Workers Solidarity Movement
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SIPTU and the Nolan Transport Case
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WORKERS AT Nolans Transport in New Ross have been told their strike is illegal. They have been in dispute since February 1993 for better pay, better conditions and union recognition. Now they could be jailed if they continue to picket.

Last December's High Court judgement ordered SIPTU to pay over £1.3 million in damages and expenses to Nolan Transport. This has very serious implications for the entire trade union movement. If the judgement is allowed to stand, it will have two principal consequences.

Firstly, in relation to balloting procedures. Up to now trade union leaders had insisted — despite several warnings to the contrary — that under the terms of the 1990 Industrial Relations Act only trade union members could challenge the validity of a ballot. Now, however, it is made explicitly clear that employers are entitled under the law to challenge balloting procedures.

This means that workers can be brought into court and asked how they voted in a secret ballot! If they are afraid of the sack and deny they voted for a strike, their union can sued for damages.

Secondly, there is a clear implication that strikes for union recognition are unlawful. Two prerequisites will now have to be met in order for unions to take strike action against employers who refuse to negotiate. Firstly the union will have to have members within the terms of the rulebook, implying that they will have to be paying subscriptions over a period of time. Secondly, the strike will have to take place over a specific issue such as dismissal for union membership. It will not be possible for a strike to take place simply for union recognition.

There are other implications in the judgement such as the issuing of leaflets during a dispute (Nolans were awarded £25,000 for "defamation") and the fact that a company whose profits actually increased over the past year was awarded £600,000 damages for "loss of earnings". They also got £8,000 petrol costs for every month of the strike because blacking of their trucks by sympathetic trade unionists meant their lorries had to make longer journeys.

This situation has come about as a direct result of the 1990 Industrial Relations Act. As such, ICTU leaders who were instrumental in drawing up this Act and who scoffed at all criticisms of it must bear a portion of the responsibility for landing the trade union movement in this mess.

We must not allow our movement to be shackled in this way. The demand must be for SIPTU to refuse to pay one penny to Nolans, and for all unions to amend their rule books, removing the changes brought about by the Industrial Relations Act. Instead of giving in to state intimidation the unions should respond with protest stoppages and demonstrations.