12. Obstructing Workplaces: Trade Union Law

Section 241 of the Trade Union and Labour Relations Act

This power is for preventing pickets related to workplace strikes from disrupting work. However it has recently been used to prosecute demonstrators who are preventing entry to a fracking site; it has also been used against new road protesters in the past.

Section 241 of TULCRA appears to be used where demonstrators are not on the site and therefore are not committing ' Aggravated Trespass', but the police want to charge people for an offence that is more serious than 'Obstruction of the Highway'.

For the purposes of fracking protests (or similar protests where people may be trying to prevent access to a work site) you are committing an offence if you are:

> **'Watching or besetting' somone's workplace with a view to compel that person to abstain from doing any act which that person has a legal right to do**

Watching and besetting means preventing access or preventing people from leaving a site. The methods used to prevent access or leaving must be 'wrongful' and therefore has to be either a criminal or civil offence. An example of this in relation to fracking is obstructing a highway at the entrance to a fracking site.

'With a view to compel' for the purposes of the law means that the action is done with the intent of more than just persuading people to stop working.

Example of a conviction under S241 of TULCRA:

- **At Balcombe 2 people who glued themselves around the gate to the fracking site, and prevented access for 2 hours, were convicted.**

If convicted, the maximum penalty is a fine of £5000 and/or 6 months in prison. However of the two people convicted of this offence after protests against fracking in Balcombe: one was given a £200 fine and the other conditionally discharged for 12 months. A conditional discharge means no punishment is given as long as no other offence is committed within 12 months.