

Free Speech Union briefing

# Shopped Stewards

Why today's trade unions police speech instead of protecting workers – and how to fix it

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# Foreword

by Paul Embery

I joined a trade union at 16 when I was stacking shelves in a supermarket. My mum worked for a union, and my dad was a shop steward at his works depot. Trade unionism was in my blood. It still is.

When I became a professional firefighter, I threw myself into activity with the Fire Brigades Union, eventually serving on its national executive. I did the hard yards that come with being a trade union activist and official. I represented members on bread-and-butter workplace issues and in high-level negotiations with bosses. I organised demonstrations and led strikes. I attended the TUC's annual congress as a delegate and supported countless campaigns and causes throughout the wider labour movement.

I believe passionately that trade unions are a force for good. Most advances secured for ordinary workers over the generations are attributable to the efforts of trade unions. And while the influence of unions in the workplace is not what it once was, the evidence shows that, even today, workers who are in a union are likely to enjoy better pay and conditions than those who aren't.

Yet I have watched with dismay in recent years as the trade union movement gradually detached itself from its historical moorings. As membership numbers began to fall, unions increasingly retreated to their public sector comfort zone. Today, vast swathes of private industry have no trade union presence, and in many working-class communities unions are seen as a feature of a bygone age.

At the same time, unions started to embrace the ideology of radical progressivism – a dogmatic and uncompromising creed that seeks to upend age-old social and cultural norms and, in the process, stifle all dissent.

As this ideology has seeped deeper and deeper into our public and corporate institutions, so the demand for conformity has intensified. The

promotion of identity politics and obsession with 'Equality, Diversity and Inclusion' have, in many workplaces, bred division and undermined solidarity. Freedom of expression has been eroded while group-think and cancel culture have flourished. The right to be offended has been elevated above the right to voice an opinion. 'I disagree with you' has been replaced by 'You mustn't say that.'

A trade union movement that once defended with all its might the right to challenge establishment thinking become an outlier for this new orthodoxy. As workplaces have become ideological battlegrounds, many workers have chosen to remain silent, fearful of losing their jobs and livelihoods. Those brave enough to speak up regularly find themselves targeted. All too often, unions pass by on the other side.

Thousands of rank-and-file union representatives continue to strive every day to defend their members' interests in the workplace. They are a credit to the movement. But for too long those in positions of real influence inside trade unions have got away with imposing their own unrepresentative agenda without regard for the standing of the movement among ordinary workers.

The Free Speech Union is, so far as I can see, the only organisation that has shown itself willing – resolutely and unapologetically – to challenge the slide to political and cultural authoritarianism inside the workplace. It has become the standard bearer in the crusade for freedom of thought, opinion and expression. For that, it deserves the thanks of every worker.

For any proud trade unionist, this report will be a chastening read. It provides numerous examples of workers being mistreated for having dared to exercise their right to voice an opinion. I fear that these examples are merely the tip of iceberg. What of those victims who quietly accept their fate, perhaps on account of the fact that they possess neither the resources nor support to fight back, or simply because they do not desire the publicity?

With the challenges presented by the gig economy, sweatshop warehouses, and the growth in precarious and transient employment, trade unions are needed in our society as much as ever. But for as long as unions continue to position themselves outside of mainstream opinion and line up with bosses and politicians who increasingly seek to police the views of workers, they will limit their appeal to the millions who are in desperate need of workplace representation.

The trade union movement is at a crossroads. If it wishes to stay true to its historical mission to speak for those who too often find themselves without a voice, there needs to be a radical shift in its thinking. And fast.

This report presents a serious challenge to the movement. Trade unionists need not agree with every dot and comma of it: I do not do so myself. But they should be honest enough to recognise that it highlights some crucial concerns and poses serious questions.

For those reasons, the report deserves to be read widely within the trade union movement and beyond.

# 1. Introduction

The Free Speech Union (FSU) is currently dealing with a shocking case involving one of our members – let's call him 'TJ' – who's being investigated by his employer for something he said in a work email. He's being investigated not because a colleague or customer took offence at some perceived transgression, but because his own trade union complained to his employer.

When TJ's union invited feedback on several topics, including the adoption of gender-neutral pronouns across all its internal policies, he responded with some perfectly reasonable objections. However, on receipt of this feedback, union officials decided to launch a disciplinary process against him. Apparently, the only feedback they wanted was the kind they already agreed with.

While this process was underway, TJ's union colleagues then decided to engage in some '[offence archaeology](#)', excavating his personal social media accounts with the aim of finding historic posts that they thought were beyond the pale. Having found some, the union then passed them on to his employer.

TJ's employer then launched its own disciplinary process against him. It's the sort of frightening scenario in which an employee would normally be able to rely on their trade union for help. But not in this case, since it was TJ's own union that had doxed him in to his employer.

As member-relations strategies go, this is certainly unconventional. It's also fundamentally at odds with what trade unions are supposed to do: protect their members from rapacious bosses, not encourage their employers to fire them for something trivial and non-work related and provide them with the ammunition to do so. Historically, unions have championed the principle that 'an injury to one is an injury to all', standing in solidarity against employer overreach – and central to that mission has always been the defence of workers' fundamental rights: fair pay, safe working conditions and freedom from unfair dismissal. What's often forgotten is that the labour movement once regarded free speech as one

of those rights, with early unions championing freedom of expression as essential to protecting the ability of workers to speak out against their employers without fear of retaliation.<sup>1</sup>

You could perhaps argue that unions embraced free speech less from ideological commitment than as a practical necessity to achieve their wider aims – but, either way, embrace it they did. Today this legacy is being eroded from within. Increasingly, unions are failing to uphold the rights of their dues-paying members who dissent from prevailing radical progressive orthodoxies.

At the FSU, we encounter this over-and-over again: a member of a trade union is placed under investigation by their employer – or fired – for saying something perfectly lawful but which breaches a progressive speech code. And when they reach out to their union for help, the union either refuses or offers its assistance to the employer. Among the most notorious examples are the still-anonymous [Batley Grammar School teacher](#) forced into hiding after showing his students a cartoon of the Prophet Muhammad; [firefighter Paul Embery](#), who an Employment Tribunal judge said was subjected to a “witch-hunt” by his union for publicly supporting Brexit; and gender-critical academics blacklisted by the University and College Union (UCU). We’ll be looking more closely at all three cases in this paper.

## 2. How unions came to turn their back on free speech

### 2.1 The decline of trade unions

The decline in support for free speech is intertwined with broader structural and cultural changes within the trade union movement. Since its peak in 1979, when more than 13 million UK workers were unionised, [membership has plummeted](#). By 2022, the figure was just 6.25 million.

This decline reflects broader economic shifts, including the hollowing out of British manufacturing in the 1980s and the subsequent rise in temporary and gig-economy jobs that are far harder to unionise.

Both employers and unions have adapted to this new reality in ways that have [reshaped workplace dynamics](#). Employers have turned to human resources (HR) departments to [mediate worker relations](#), championing what has been called the ‘equal opportunities revolution’, built on notions of ‘inclusivity’ and ‘fairness’. Unions, defeated in the great industrial battles of the 1980s and scrambling for a role ever since, have apparently seen no option but to align themselves with HR departments, increasingly adopting the language and goals of equity, diversity and inclusion, which often reflect the priorities of the university-educated professionals now dominating their ranks. In 2022, 33.8% of professionals – many in education, healthcare and public services – were union members, [compared to just 22.3% of all employees](#).

This alignment has been reinforced by the rise of [‘partnership working’](#), a model that sees unions formalising their cooperation with employers at the institutional level. Rather than adversarial representatives of workers confronting management, trade union reps have increasingly positioned themselves as ‘stakeholders’ within corporate governance structures.

This shift has profoundly altered the function of trade unions. Traditional goals, such as improving pay and working conditions, now compete with new equality objectives. While this has had some positive outcomes,

such as addressing the [historical exclusion of women](#), one of the most consequential effects has been the rise of 'safetyism', a highly bureaucratised form of 'wokeness' which prioritises protecting workers from perceived psychological or emotional 'harm' over defending their freedom of expression.

Safetyism's influence is particularly pronounced in the public sector, where union membership remains comparatively high, especially in education (where 46.9% of the workforce is unionised) and health and social work (38.2%). This well-educated, professional and managerial membership base has increasingly aligned unions with sectors where diversity initiatives and codes of conduct are ubiquitous.

## **2.2. The rise of the Professional Managerial Class**

A wider historical reason behind the change is the rise of the professional managerial class (PMC) and its profound influence on the cultural and ideological priorities of modern unions.

The term PMC was coined by two Marxist scholars, Barbara and John Ehrenreich, in the late 1970s ([here](#) and [here](#)) to describe a post-war social class distinct from both the working class and the capitalist elite. Comprising highly educated professionals – academics, journalists, lawyers, HR specialists, public administrators and corporate managers – the PMC soon occupied key positions in large institutions.

Initially, members of the PMC framed their role as antagonistic to capitalist exploitation, and by the 1960s some theorists were viewing them as a class aligned with labour. French scholars like [Serge Mallet](#) and [André Gorz](#) suggested, for example, that the expansion of state-funded higher education had produced a generation of politically radical professionals who, as a "new working class", could serve as the driving force for systemic change.

But this vision failed to materialise. The student radicals of the 1960s may have challenged capitalist hierarchies, but they remained largely disconnected from the working class. Indeed, by the late 20th century, the PMC had essentially abandoned its earlier theoretical alignment with workers and instead evolved into a class that prioritised cultural and ideological conformity over economic solidarity.

As Catherine Liu argues in [Virtue Hoarders: The Case Against the](#)

*Professional Managerial Class*, the post-1968 PMC became a class that “fights culture wars against the classes below while currying favour with the capitalists it once despised... Ideologically convinced of [their] own unassailable position as comprising the most advanced people the earth has ever seen... PMC elites try to tell the rest of us how to live.”

As the PMC entrenched its position within a labour market oriented towards services rather than manufacturing, its divide from the working class deepened. The expanding university sector that had produced it had also been the breeding grounds for new political frameworks, particularly those originating in American universities’ ‘grievance studies’ departments: disciplines such as gender studies, queer studies and critical race theory, which provided the intellectual foundation for the ideology that the PMC brought into British workplaces.

Over time, this ideology, and the ‘safetyist’ beliefs that go with it, led to a growing emphasis on identity politics, the policing of language and the reduction of psychological ‘harm’. This in turn provided a rationale for regulating speech and enforcing approved orthodoxy<sup>2</sup> – and for seeing free speech as a threat to inclusivity. By redefining the boundaries of ‘acceptable’ discourse and imposing ideological litmus tests in professional environments, the PMC does indeed “try to tell the rest of us how to live”.

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## 3. “The enemy within”: the policing of speech in the labour movement

### 3.1 The gold-plating of the Equality Act

Nowhere is the PMC’s influence clearer than in the way the UK’s Equality Act 2010 has been ‘gold-plated’. While the Act was originally intended to protect against discrimination, many institutions – particularly in the public sector – have interpreted it in ways that significantly restrict lawful free speech. Again, this process has been driven largely by the PMC bureaucracies that dominate HR departments, public sector leadership and workplace compliance training.<sup>3</sup> It’s particularly troubling when unions take it upon themselves to enforce these gold-plated interpretations.

And enforce them they do. As we’ve seen, unions have been increasingly drawn to harm-prevention narratives, apparently sharing the HR belief that workers who belong to particular ‘victim’ groups are fragile individuals requiring psychological support and constant protection from potential emotional damage.

This shift is evident in initiatives like the Trades Union Congress’s (TUC’s) WorkSmart app, launched to help members ‘cope’ with their working lives – and in the ever-intensifying [focus](#) on stress, bullying, wellbeing and mental health.

Unsurprisingly, these concerns have extended to language. Words are no longer mere vehicles of expression but potential weapons capable of causing ‘harm’. Where once the adversary was the employer – cast as the callous capitalist indifferent to workers’ welfare – now even a union’s own dues-paying members can be guilty of ‘hate speech’ or ideological transgressions. In a bizarre reversal, the enemy is now the unlettered working class who have not been taught to speak ‘woke-ish’ at university.

The irony is striking: Margaret Thatcher once branded striking miners “the enemy within”; today trade unions themselves cast their own dissenting members in the same light, with speech that deviates from the managerial

orthodoxy seen not as something to defend, but as a transgression to punish.

### 3.2 Unions against their own members

In recent years, there have been dozens of examples of this irony in action. Here are just a few:

- In 2022, [leaked minutes](#) from a meeting of the UCU revealed a plan to compile a list of gender-critical academics, targeting “transphobes” likely to cause “problems”. Lamenting a growing intolerance for academic freedom and viewpoint diversity, feminist academic Jo Phoenix described the situation as “devastating, terrifying, and very, very sad”.
- In 2021, Professor Tim Luckhurst, Principal of South College at Durham University, [faced a formal investigation](#) for calling students who staged a walkout from a speech by Spectator columnist Rod Liddle “pathetic”. UCU’s response? To [demand](#) a “formal HR investigation” into his conduct and urge the university “to consider the full range of appropriate disciplinary action”. The union also insisted that in the meantime, Prof Luckhurst “should not be interacting with students in a pastoral role”, presumably on the basis that this modern-day Socrates couldn’t be trusted not to corrupt young minds.
- In 2018, the School of Oriental and African Studies (SOAS) faced calls to dismiss law lecturer Gunnar Beck after he announced his candidacy for the German Bundestag as a representative of the Alternative für Deutschland (AfD). Regardless of your views of the AfD, defending academic freedom includes protecting the right to express unpopular or offensive opinions without being fired. Nonetheless, UCU officials, including then Acting General Secretary Paul Cottrell, [called for Mr Beck’s job to be terminated](#), arguing that his political affiliation was incompatible with the institution’s “values of diversity, tolerance, and internationalism”. Note, the union appealed to the ‘values’ of the employer, not the employee, to justify throwing the employee under a bus.
- In 2020, actor Laurence Fox [sparked controversy](#) on Question Time by arguing that it isn’t racist to dislike Meghan Markle and that dismissing white people’s views due to their “privilege” is itself a form of racism. The backlash was swift. Equity, the actors’ union, [issued a tweet](#) calling on members to “unequivocally denounce” Fox as a “disgrace to the industry”. Although, after significant public

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criticism, Equity deleted the tweets, claiming they were posted by two rogue officials, the episode raised troubling questions about the union's willingness to suppress lawful free speech to align with prevailing orthodoxies.

- (A personal story from our own files – heavily anonymised for obvious reasons.) “Two ex-colleagues tried to get me sacked from my new job. One was a main local union rep, and the other was the EDI officer. I'd already left [the union], but thought the union rep was a friendly colleague. It turned out he had written to my new employer and the Local Authority Designated Officer, claiming I was a safeguarding risk. The reason? I had openly criticised transgender ideology and raised concerns with senior leadership at my previous workplace.”

### **3.3 The rise of speech codes and thought policing**

Speech codes are a natural extension of the harm-prevention ethos, providing unions with a tool to enforce ideological agreement while projecting their own affiliation with progressive norms. Increasingly, these codes extend beyond the bounds of legal compliance and risk alienating members who have dissenting views. Framed as tools for inclusivity and harm prevention, they often cross the line into ideological enforcement.

The National Education Union (NEU) – Britain's largest teaching union – offers a striking example. In 2022, a whistleblower leaked to the FSU a draft policy containing the NEU's proposed definition of “transphobia”. The FSU's General Secretary, Toby Young (now Lord Young), immediately raised concerns about its implications for free speech and intellectual diversity in schools. Among the provisions were that asking trans people “to participate in discussion or debate about their rights and/or identities” should be labelled as inherently transphobic – as should “a rejection of trans identity” and the incorrect use of pronouns. (By incorrect it means referring to trans people by the pronouns that correspond to their biological sex, i.e., their correct pronouns.)

While protecting trans individuals from harassment is a laudable aim, these proposals far exceed the requirements of equality law. They also signal a willingness to suppress dissenting perspectives, effectively discouraging any challenge to gender identity ideology. For union members who don't endorse such ideology, the message is clear: their

views are unwelcome and if they get into trouble with their employers for challenging these views they will not be defended.

The public services union Unison demonstrated similar tendencies at its 2022 Local Government Conference, where a [motion supporting trans rights](#) was passed unanimously. The motion reaffirmed Unison's commitment to defending its trans members, but then went much further, actively targeting gender-critical views – a protected philosophical belief under UK law. The motion pledged, for example, to distribute materials conflating gender-critical perspectives with far-right recruitment tactics – despite a total lack of supporting evidence – reinforcing an ideological orthodoxy at the expense of members whose legally protected beliefs may conflict with it. And of course conflating gender-critical views with far-right ideologies has a chilling effect on legitimate debate.

### **3.4 Publicly enforcing ideological purity**

One alarming outgrowth of this thought policing is that union leaders, officials and members are increasingly willing to publicly shame, ridicule or ostracise individuals who express lawful but non-woke views. The repressive effect of such actions extends beyond the people targeted, sending a clear message to all members about the risks of deviating from ideological norms.

One union member recounted a troubling example:

I criticised [the union's] new 'Dignity at Work' policy, particularly its restrictions on free speech. In response, a senior union official labelled me 'right wing'. The atmosphere became so uncomfortable that I handed in my notice a few months later.

The 'calling out' of any union members who deviate from radical progressive orthodoxy by unions themselves often happens on social media. At the 2024 Conservative Party conference, ex-MP Jonathan Gullis – himself a former union representative – spoke about his struggles to secure teaching work after losing his seat in that year's General Election. Rather than supporting him as a worker facing discrimination based on his lawful political views, the Trades Union Congress (TUC) [mocked Mr Gullis on X](#): "The trade union movement will always stand up for workers facing unfair discrimination. This is not one of those times." Its dismissive response highlights once more the selectivity of the TUC's advocacy, with political allegiance favoured over fairness. (Mr Gullis responded: "As a former

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trade union representative, I always stood up for my members, regardless of their views. This is really disappointing to see.”)

Unison’s leadership has similarly used public platforms to enforce conformity. For instance, last year five nurses in Darlington raised concerns with their NHS managers about a colleague who, despite presenting as female, was neither taking female hormones nor transitioning medically and openly stated he was trying to have a child with his girlfriend. When the nurses expressed their discomfort at having to undress in changing rooms in front of someone they considered to be a man, HR instructed them to “be re-educated”, “broaden their mindset” and “be more inclusive”.

Eventually, the nurses launched a legal case alleging sexual harassment, and the Health Secretary Wes Streeting gave them a [sympathetic hearing at a meeting in Westminster](#), telling them that something has “[gone wrong in our society](#)” on these issues and vowing to “deal with it”. Unison’s President, Matt North, then publicly called out Mr Streeting – and his own members – [on X](#): “It is deeply concerning that Wes Streeting appears to be pandering to anti-trans bigotry. I stand, as Unison President, with the Trans community.” Again, this episode underscores how union leaders often prioritise public ideological signalling over defending the lawful rights and concerns of their – in this case predominantly female – membership.

### **3.5 When the going gets tough: more examples of selective solidarity**

While unions are quick to defend free speech when it aligns with the values of the PMC, their silence when it doesn’t can be deafening.

Joanne Harris, Chair of the Society of Authors (SoA) – a trade union for writers – became embroiled in controversy after appearing to mock JK Rowling on X following a death threat against the famous author. But this was not an aberration. As Toby Young observed in a [GB News](#) discussion of the Rowling-Harris spat, Ms Harris’s “ambivalent relationship with free speech” has led to repeated failures in defending gender-critical authors such as FSU member Gillian Philip after she was [targeted by activists](#).

But it’s the Batley Grammar School affair of 2021 that offers perhaps the most shameful example of union silence. After showing cartoons of Muhammad to children in a religious studies class, a teacher faced death threats and was forced into hiding. “What have the teaching unions had to say about this threat,” [asked a writer for Spiked](#) not long afterwards. “Absolutely nothing.”

Take Mary Bousted, head of the largest union, the National Education Union (NEU). After months of positioning herself as a champion of teachers' rights, she has been mute in the face of this grave assault on a teacher who has been thrown to the wolves just for doing his job. Instead Bousted has found time to retweet about Brexit's effects on cheese exports, and voter suppression laws in the United States, but nothing on the ugly situation developing in Batley.

With no little irony, the top [tweet](#) in her timeline over the weekend proudly announced she is writing a book because "one of the things that upsets me most is how badly we treat our teachers". Yet, when faced by a teacher losing his job simply for teaching children how to reflect critically on a picture, she doesn't seem upset at all.

This, incidentally, was true to form for British teaching unions. When Samuel Paty, a teacher in France, was beheaded in the street in 2020 for having shown his pupils cartoons of Muhammad, European unions staged vigils to champion Enlightenment principles. But, as Professor Dennis Hayes of Academics for Academic Freedom [noted](#):

From the educational trade unions in the UK the response to the murder of a fellow teacher was a deafening silence. The Association of School and College Leaders, the Educational Institute of Scotland, the National Association of Head Teachers, the National Association of Schoolmasters/Union of Women Teachers, and the University and College Union said nothing, despite appeals for them to condemn the murder and defend free speech. Only the National Education Union mentioned the murder of Paty on its 'International' webpage but did not say that he was teaching about the importance of free speech, only that he was teaching about "human values".

Meanwhile, amid the void surrounding the situation in Batley, a small and unexpected voice emerged. A branch of Unite, representing binmen in Bury, [stepped forward](#), with Branch Secretary Brian Bamford submitting an emergency motion to the National Conference of Trade Union Councils to support the suspended teacher. Mr Bamford, a retired electrician and long-time trade unionist, explained: "This is a motion which has come in from binmen, from ordinary working-class people. As far as I can see, staying silent goes contrary to what we believe in at our branch, and especially in the trade congress. We are affiliated to the Orwell Society, and freedom of expression is very important."

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As a metaphor for the trade union movement's transformation, it could scarcely be improved upon. The image of binmen – “ordinary working-class people” – championing the free speech of a teacher abandoned by professionals from the education unions encapsulates the shift at the heart of the movement and the growing ideological gap between the leadership and the traditional working-class membership.

### **3.6 Silencing dissent through disciplinary procedures**

For dissenters within a union, the disciplinary process itself often becomes part of the punishment – designed to isolate those who fail to align with managerial orthodoxy.

Even informal disciplinary measures can have a chilling effect, as one FSU member found out:

A few years ago, I was active in [a union committee group], which included various social events. During one, the topic turned to discrimination, and I suggested that white people can also experience discrimination. This offended several activist members – all of us were under 35 at the time – and I was reported to the union, even though proper disciplinary procedures weren't followed. The hearing felt like a sham but ended with just an informal warning. I left the group afterward. The situation made local branch meetings awkward, especially since one of my accusers became a committee member. Eventually, I stopped attending meetings altogether. The whole experience left a bitter taste, and now I only use the union for basic colleague support rather than seeking broader assistance.

But the case of Paul Embery illustrates how unions can escalate procedural tactics to an entirely different level. A firefighter and full-time official in the Fire Brigades Union (FBU) for 11 years, Mr Embery found himself cast out after speaking at a Leave Means Leave rally in 2019. Addressing the crowd in Parliament Square, Embery criticised the Labour movement's abandonment of Euroscepticism and called on union leaders to align themselves with the democratic will of the people.

Two weeks later, the FBU launched an internal investigation, ultimately sacking Mr Embery as an Executive Council member and barring him from standing as a union official for two years. The union claimed that his participation in the rally contradicted its anti-Brexit policy and accused him of the crime of sharing a platform with Nigel Farage, Richard Tice

and Kate Hoey.

Eventually, in 2022, Mr Embery took the union to an employment tribunal and [won a claim for unfair dismissal](#) after what the tribunal described as a “witch-hunt” against him.

The judgment was scathing. Employment judge Robin Postle found that “right from the start... there was an agenda” to remove Mr Embery, describing the FBU’s investigation as a “fishing exercise” with a “predetermined” outcome. The judge ruled that the dismissal was unfair under the Employment Rights Act 1996, noting: “Where is the gross misconduct? How could any fair-minded member come to a reasonable belief on the facts that the claimant had committed any form of misconduct?”

In fact, the judgement against the FBU was later overturned on what seems a handy technicality. (As an elected lay official, Embery could not have been dismissed unfairly because he was not formally an employee of the union.) Nonetheless, his original case is a powerful demonstration of how unions are prepared to weaponise disciplinary processes to enforce political orthodoxy.

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## 4. Unrepresentative representatives

UK laws relating to trades unions have a long history, reflecting the growing recognition of the importance of protecting workers' collective rights against powerful employers. But it was not until the [Employment Relations Act 1999](#) that individual workers were granted the right to be accompanied by a union representative in grievance or disciplinary hearings ([section 10\(1\)](#)) to summarise their case, respond to views expressed, and confer with them during the hearing ([section 10\(2\)](#)).

Although the Act does allow workers to choose a fellow employee as an alternative, this provision does little to mitigate the de facto monopoly that trade unions now hold over workplace advocacy. In most workplaces, particularly in the public sector, no meaningful alternative representation exists, with unions remaining the default for employee representation in disciplinary matters. We know this because on many occasions the FSU has asked employers if we can accompany our members at disciplinary hearings and the answer is always no because we're not a registered trade union.

But if unions are unwilling to defend the lawful free speech of their members, do they still deserve the exclusive rights to represent them?

This exclusivity is rooted in the historical context of trade union legislation, which operates on the unspoken but widely accepted assumption that unions are inherently worker-friendly institutions. After all, they ostensibly exist to advocate for their members' rights, including the right to hold and express lawful opinions. Yet this assumption is increasingly at odds with reality. As we've seen, those who express politically inconvenient views are often abandoned by their unions and find themselves facing proceedings alone.

In these situations, their only alternative is costly private legal representation – despite the fact that they've paid membership dues to their unions for the purpose of securing legal representation in the event of a workplace dispute. So what can be done to address this vital issue?

## 5. There is an alternative: Conclusion and Recommendations

Policymakers must consider alternative frameworks that empower workers to access meaningful representation, even when their lawful views are unpopular or controversial. Expanding the right to representation to include advocacy groups like the FSU would go a long way towards rectifying the current injustice.

The most obvious way of achieving this is by reforming the Employment Relations Act 1999. A recent amendment proposed by two Liberal Democrat MPs sought to allow workers to be accompanied in hearings by certified companions from professional bodies. While this is a step in the right direction, it falls short of addressing the full scope of the problem. The definition of “professional body” must be broadened to include organisations like the FSU, which are dedicated to defending free speech. Without this expansion, the amendment risks excluding precisely those advocates who are most equipped to defend workers marginalised by their unions. The FSU has taken on over 4,000 cases and now has more dues-paying members than many trade unions.

The FSU’s proposed amendment to the Act would go further, ensuring that any “suitable person” selected by the worker could act as their companion, subject to reasonable approval by the employer. This approach strikes a balance between expanding representation rights and maintaining procedural safeguards to prevent abuse. By allowing advocacy groups to represent workers, the reform would restore balance and mean that all employees – regardless of their views – would have access to meaningful advocacy during workplace disputes.<sup>4</sup> Employers, too, would benefit from the presence of qualified representatives, who could help to de-escalate disputes and ensure that decisions are made on a sound legal basis.

The reform would also enhance pluralism in the workplace more generally by recognising that not all employees align with the ‘values’ of traditional trade unions, i.e. equity, diversity and inclusion. Allowing diverse

organisations to represent workers would reflect the realities of a modern, pluralistic society. Crucially, too, it would reduce the chilling effect that often deters employees from expressing lawful views. Workers would feel more confident knowing their rights will be defended, even if their ideas are contentious.

This report highlights an uncomfortable truth: the alliance between workers and their unions is fracturing. The trade union movement was built on a foundation of solidarity, fairness and freedom of expression. Yet as unions increasingly prioritise ideological conformity over their members' rights, they risk abandoning these principles.

Reforming the right to representation is not just a matter of fairness – it is a defence of the very principles that underpin our democratic society. By empowering workers to choose their advocates, we can restore trust, safeguard workers' rights and reaffirm the fundamental importance of free speech. Let's ensure that every worker, no matter their views, has the representation they deserve.

## References

1 In the US, for instance, organisations like the Industrial Workers of the World (IWW) were at the forefront of free speech demonstrations in the early 1900s, directly [challenging](#) attempts to restrict public speaking and “breath[ing] life into the First Amendment”.

Internationally, the International Labour Organisation (ILO) [consistently](#) upheld freedom of expression as central to trade union rights. In its 1970 [resolution](#) on trade union rights and civil liberties, the ILO stressed the importance of “freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

As recently as 1994, this principle was reaffirmed in an ILO report titled [Freedom of Association and Collective Bargaining](#), which declared: “an essential aspect of trade-union rights is the right to express opinions through the press or otherwise. The full exercise of trade-union rights calls for a free flow of information, opinions and ideas, and workers, employers and their organisations should enjoy freedom of opinion and expression at their meetings, in their publications, and in the course of their other activities.”

2 As the philosopher Alan Sokal [argues](#), these ideas serve the PMC’s interests in maintaining and enhancing its class position while obscuring its own class privileges. By focusing on identity-based issues, the PMC developed a framework that both obscured its own class privileges and consolidated its authority. Sokal notes that the emphasis on identity-based grievances helps the PMC maintain its dominance by diverting attention away from class-based critiques that might threaten its power. For upper PMC members – particularly those in HR and managerial roles – these ideological tools have become an effective means of workplace control, allowing them to define acceptable discourse, regulate behaviour, and ensure that leadership positions remain occupied by those who share their values.

3 One of the most striking examples is the Reindorf Review at Essex University. In 2020, Professors Jo Phoenix and Rosa Freedman, both gender-critical feminists (and both FSU members), were [disinvited from separate events](#) after the university acceded to LGBTQ+ activist demands, citing concerns that allowing them to speak would breach policies like the Harassment and Bullying: Our Zero Tolerance Approach. Activists had argued that merely allowing the speakers on campus would violate the Equality Act by creating a “hostile environment”.

Following significant pushback, including from the FSU, the university was [forced to apologise](#), and commissioned barrister Akua Reindorf KC to review its policies. Her [findings were damning](#). Reindorf concluded that Essex had misinterpreted its legal obligations, prioritising a version of the EqA shaped by pro-trans campaign group Stonewall’s ideological preferences rather than the law itself. She criticised the university for breaching its statutory duty to ensure freedom of speech and for adopting policies that contradicted its regulatory and legal obligations. As she pointedly observed, Essex’s policies reflected “the law as Stonewall would prefer it to be, rather than the law as it is”.

This trend is far from isolated. At King’s College London, Reindorf [similarly criticised](#) various policies, training materials and guidance relating to the protected characteristics of sex and gender reassignment, describing them as “incorrect, as a matter of law, in

several substantial respects”, and as disadvantaging staff with gender-critical beliefs.

The same pattern is evident in the South Tyneside and Sunderland NHS Foundation Trust’s Transitioning at Work and Gender Diversity Policy. As the FSU [pointed out in a formal letter to the Trust’s Chief Executive](#), the policy appears to threaten disciplinary action against any female employee who objects to sharing toilets or showers with trans-identifying biological males. This could place employees with religious objections, as well as those with gender-critical beliefs, in clear conflict with their employer. As we made clear, such a policy is not only draconian but also a clear breach of the Equality Act, and any employee dismissed for failing to comply would likely have a strong case at an Employment Tribunal.

4 The success of these reforms would hinge on clear and practical implementation measures to ensure fairness and transparency. First, a legal definition of “authorised representatives” would need to be established, encompassing advocacy groups, professional associations, and other recognised organisations with a clear mission to defend individual rights. This definition would provide clarity and prevent the misuse of the expanded representation rights.

Second, a system of registration and accreditation would need to be developed. Advocacy groups seeking to act as representatives would be required to register with a public body, such as the Certification Officer or ACAS, and demonstrate compliance with accountability and expertise standards. This process would ensure that workers are represented by skilled and credible advocates while addressing concerns about frivolous or malicious representation.

Third, the expanded rights of representation would need to be clearly defined. Authorised representatives should be granted the same rights as trade union officials during disciplinary and grievance hearings. This includes the ability to attend meetings, address the hearing, and confer with the employee during proceedings. These rights would help to level the playing field and ensure that workers facing disciplinary action receive robust advocacy.

Finally, safeguards would need to be implemented to prevent abuse of these new rights. Employers should be notified in advance of the representative’s identity, and the employee’s written consent should be required to ensure transparency and accountability. These safeguards would strike a balance between protecting workers’ rights and maintaining procedural fairness for all parties involved.

