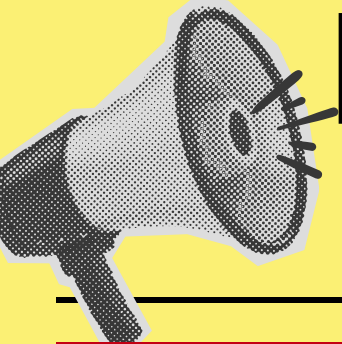




UNITED TECH & ALLIED WORKERS (UTAW)

# ADVOCATING FOR PALESTINE AT WORK GUIDE



## 1.0 INTRODUCTION

**PALESTINIAN TRADE UNIONS HAVE CALLED ON WORKERS AROUND THE WORLD TO ACT IN SOLIDARITY WITH THE PALESTINIAN PEOPLE.**

As a union of tech workers, UTAW-CWU understands that many of our members and colleagues wish to cease work or avoid starting work on weapons and military technology, including software and cloud services, that are destined for use by Israel against Palestinians.

We are calling on tech companies to end any contracts with the state of Israel and companies complicit in its regime of apartheid and occupation. The Boycott, Divestment and Sanctions (BDS) movement has outlined strategic targets, listed [here](#).

**DISCLAIMER:** none of this document constitutes legal advice. Union members may seek legal advice by contacting their union.

## 2.0 RISKS OF INACTION

Israel relies on international supply chains to enable it to commit war crimes with impunity. If our work contributes to this, Israel can continue to murder Palestinians at a terrifying rate, and we become complicit. Any risks of action should be weighed with the urgent plight of all those who suffer thanks to the ongoing genocide and apartheid regime.

Generally speaking, **being disorganised at work threatens our future livelihoods.** Without organisation, we are vulnerable. If we fail to stand against the current atrocities, we will be unprepared to fight future ones that are made likely by inherent crises of capitalism - including economic crises and climate breakdown.



## 3.0 RISKS OF ACTION

# TAKING ACTION ALWAYS INVOLVES SOME RISK. UNDERSTANDING THE RISKS HELPS US MITIGATE THEM

### 3.1 DISCIPLINARY ACTION >

## DISCIPLINARY ACTION CAN BE TAKEN AGAINST US FOR MISCONDUCT.

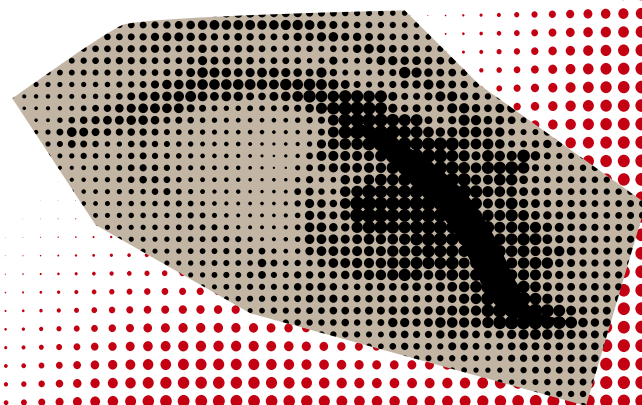
The consequences of this can range from an informal warning to dismissal. If the misconduct is serious enough that it is deemed "gross misconduct" we can be dismissed without notice.

Behaviour is misconduct if it breaches the law, contract, or company policy. Work contracts have an implied term requiring us to obey any reasonable and lawful instruction. Refusing to follow a lawful and reasonable order is serious insubordination which usually qualifies as gross misconduct.

### 3.2 LEGAL ACTION FOR BREACH OF CONTRACT >

## IF WE BREACH OUR CONTRACT (FOR EXAMPLE, BY RESIGNING ON THE SPOT WITHOUT WORKING OUR NOTICE PERIOD) ,

and this causes a cost to the employer, they can technically sue us for the resulting damages. It is, however, rare for employers to take such action.



## 4.0 PROTECTION FOR ACTION

### 4.2 EMPLOYERS NEED

#### OUR LABOUR >



Employers can't function properly without the work we do. Companies make no profits without workers.

This is the fundamental building block of our power. This power is strongest when applied collectively - such as via strike action where workers withdraw their labour together.

Even as an individual, we have some protection due to the employer's need for our labour and the difficulty and cost of replacing us. This is more of a protection if you do "skilled" rather than "unskilled" labour. This distinction isn't a judgement on the individual - labour is considered more "skilled" the more it costs in time and money to train someone to become capable at performing the work at an average degree of competency. If you do "skilled labour" the employer may be reluctant to terminate your contract.

**EMPLOYERS TRY TO DIMINISH THIS POWER BY CREATING A RESERVE ARMY OF LABOUR (FOR EXAMPLE, BY MAKING REDUNDANCIES) OR REORGANISING THE WORK SO IT BECOMES "DESKILLED".**

### 4.1 SAFETY IN NUMBERS



## THIS IS THE MOST IMPORTANT AND POWERFUL PROTECTION WE HAVE.

Before there were any legal protections for trade unions, workers' movements relied on mass action. The more people who act together, the harder it is to be victimised.

Before taking an action, consider if you can get more people involved, and how many participants are needed to provide a reasonable degree of safety.

### 4.3 LEGAL PROTECTION FROM

#### UNFAIR DISMISSAL

If your contract is terminated unfairly, you can make a claim to tribunal for unfair dismissal. This right only applies when employed for at least two years, or if the dismissal is for an "automatically unfair" reason. A tribunal can award compensation or reinstatement if an unfair dismissal claim is upheld.

For a dismissal to be fair, the employer's procedures (and as a minimum standard, the ACAS code of practice) should be followed and there should be a proper investigation with a reasonable conclusion made on "balance of probabilities" (this is a weaker standard than the "beyond reasonable doubt" required for criminal convictions).



#### 4.4 LEGAL PROTECTION FROM WRONGFUL DISMISSAL

## WRONGFUL DISMISSAL IS A BREACH OF CONTRACT TO DO WITH THE WAY A CONTRACT IS TERMINATED

When dismissed, we have to be paid for accrued holidays and our notice period has to be served (unless it is gross misconduct) by working the notice, or, if allowed by the contract, payment in lieu of notice or gardening leave. Claims for wrongful dismissal or breach of contract can be made to a tribunal regardless of duration of employment. The most likely reason we would make such a claim is to challenge a "gross misconduct" outcome. A tribunal may award the outstanding notice pay and accrued leave to be paid to us.

#### 4.6 DEFENCE BASED IN THE LINK TO WAR CRIMES

It is misconduct to refuse to comply with a **reasonable** and **lawful** instruction at work.

We could argue that, if the instruction will aid Israel's war crimes, it is an unreasonable and unlawful instruction, because it abets war crimes. It is unclear how a tribunal would react to such argumentation.

#### 4.5 LEGAL PROTECTION FROM DETRIMENT FOR TRADE UNION ACTIVITIES

## TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT **SECTION 146 PROTECTS US FROM DETRIMENT FOR TAKING PART IN TRADE UNION ACTIVITIES.**

In order to qualify for this protection these activities must take place outside of working hours, for example during a lunch break.

We should still be protected even if these activities take place on work premises or via work communication systems, but we should be aware that we are likely under surveillance in these circumstances.

Recruitment is a protected trade union activity. There is a very strong argument that any organising or discussion of Palestine solidarity by UTAW-CWU members is a trade union activity, given this is a policy of our union. Direct action, such as refusal to handle military technology for Israel, would not be protected by this law.

This protection applies from day one of work, and a claim to the tribunal can be made for any detriment (e.g. disciplinary action). It may be hard to prove, especially if dismissed after less than 2 years of employment, that this legislation is relevant.



## 4.7 EQUALITY ACT PROTECTION FROM DISCRIMINATION

### ON GROUNDS OF RELIGIOUS / PHILOSOPHICAL BELIEF

The  **Equality Act lists Religion or belief** as a protected characteristic. It is unlawful for an employer to discriminate against us for a religious or philosophical belief.

## GENOCIDE IS AGAINST MOST RELIGIOUS TEACHINGS AND NON-RELIGIOUS BELIEF SYSTEMS.

The  **EHRC gives the example:**

*"an employee believes strongly in man-made climate change and feels that they have a duty to live their life in a way which limits their impact on the earth to help save it for future generations: this would be classed as a belief and protected under the Equality Act"*

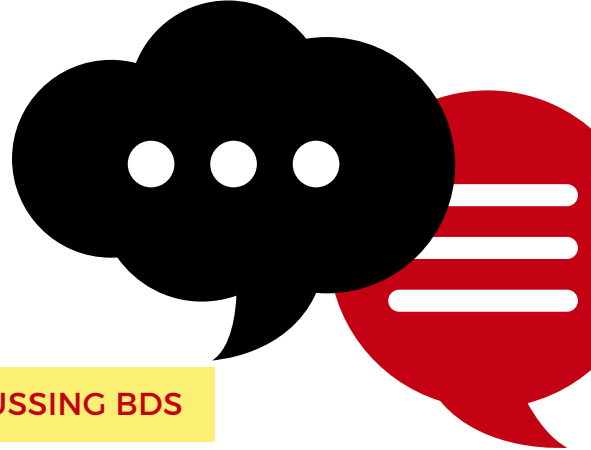
Similarly, we could argue:

*"an employee believes strongly that the ongoing indiscriminate murder of civilians by Israel is an evil that all people have an ethical duty to avoid aiding" should be protected under the Equality Act.'*

It is not clear what decisions a tribunal would make in response to such arguments.

Claims can always be made under the Equality Act in relation to employment - there is no qualifying period. It may be hard to prove, especially if dismissed after less than 2 years of employment, that this legislation is relevant.





## 5.0 ACTIONS AT ANY EMPLOYER

### 5.1 DISCUSSING YOUR UNION'S

#### PALESTINE SOLIDARITY POLICY

Discussing the policy with colleagues is a simple way to raise understanding about both the Palestinian cause and the existence and activity of the union.

As long as any discussions are done outside of working hours (i.e., on breaks), we would have a strong defence against disciplinary action for such discussions. If similar discussions have been allowed in the past (e.g., discussion of Russia's invasion of Ukraine) then there is a good argument that, from practice, such political discussion should be allowed.

### 5.2 DISCUSSING BDS

We can discuss Boycott, Divestment and Sanctions with colleagues. It can be particularly useful to explain the purpose of BDS and the limited nature of the boycott, focusing on just a few key companies.

Unless there is a general ban on discussing non-work topics, disciplinary action for such conversations will be hard for an employer to justify. As long as any discussions are done outside of working hours, we would have a strong defence against disciplinary action on the basis that BDS is our union's policy and therefore a trade union activity.

### 5.3 CAMPAIGN FOR THE COMPANY TO COMPLY WITH BDS

We can campaign for our employers to adopt a BDS policy, audit procurement and cease any contracts with companies on the BDS list. This could include:

- Not buying equipment or services from HP or Siemens
- Not using AXA for any insurance or employee benefits
- Avoiding Israeli fruit and veg in office canteens

Tactics could include an open letter, released only if a threshold of signatories is met, to ask for the policy to be introduced. There is no hard power we can use to force the implementation of a policy, but an employer may decide, if there is a demonstration of strong employee feeling, that it is worth agreeing to maintain goodwill. A prolonged campaign may help build union membership, which employers will want to avoid. Implementing a BDS policy is fairly easy as boycott targets have readily available alternatives.

As long as any campaign activities are done outside of working hours, we would have a strong defence against disciplinary action for such activities as they are trade union activities.

In addition, asking an employer to adopt a policy is not misconduct.



## 6.0 ACTIONS AT COMPANIES WITH ISRAELI STATE OR MILITARY CONTRACTS

### 6.1 REFUSAL TO HANDLE /

#### WORK ON MILITARY TECH

If you discover you are working on technology destined for the Israeli military, or are instructed to start such work, you could refuse. This has a high risk of dismissal, and possibly summary dismissal without notice, for insubordination. If you can get as many colleagues as possible to similarly refuse, it will be harder for the employer to take disciplinary action.

As a mitigation, you could suggest that you be redeployed elsewhere within the company, and cite your religious / philosophical belief as a reason for your inability to do such work, see section 4.6 above.


### 6.2 RESIGNATION

Instead of simply refusing to do the work, you could tender your resignation, and explain in your resignation letter why you feel you can't continue working. Resignation is a lawful form of withdrawing our labour that is always available to us. Resigning along with as many colleagues as possible could make the company reconsider the particular work being done.

You could ask for payment in lieu of notice or gardening leave, citing your religious / philosophical belief as an argument for why you cannot work your notice. Your employer may or may not agree. You could also use annual leave if available or sick leave (if relevant) to avoid working during your notice period.

### 6.3 SICK LEAVE

**THE PROSPECT OR REALITY OF DOING WORK THAT ENABLES WAR CRIMES MAY CAUSE PSYCHOLOGICAL INJURY OR  STRESS.**

This may be to a level where you are unable to work and need to take sick leave. This could lead to a long-term period of illness. You  can self-certify for up to seven days, after which you need to obtain fit notes.

Depending on the company's sick pay policy, taking time off sick may lead to a loss of income. You may be dismissed on grounds of capability for taking too much sick leave. This is particularly a risk in the first two years of employment. After two years of employment, the employer must follow a proper process in line with their policies before dismissing for sickness absence. If the illness is made worse or is made worse by a disability, there may be a case for disability discrimination.

Long-term sickness, or short-term sickness when you have had several instances of sick leave in the past, may trigger an absence management policy. You are likely to be invited to an absence review meeting, in which case you could explain that enabling war crimes causes you stress and suggest being assigned alternative work.



#### 6.4 POOR PERFORMANCE / GO SLOW

**YOU COULD WORK SLOWER OR MAKE MORE "MISTAKES" THAN USUAL, TO SLOW DOWN THE COMPLETION OF PROJECTS.**

This would put you at risk of performance / capability processes that can lead to your dismissal. If the employer suspects deliberately poor performance, they could follow misconduct processes.

#### 6.5 RAISING A GRIEVANCE

**YOU COULD RAISE A GRIEVANCE ABOUT BEING ASKED TO DO WORK THAT AIDS WAR CRIMES.**

A grievance is a formal process that causes extra work for the employer and makes your objections clear.

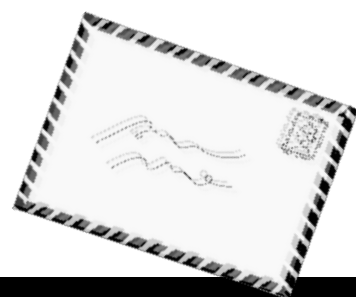
It would be good to mention religious / philosophical belief as this hints at a risk for the employer and there is a potential legal claim on these grounds. Making it a collective grievance, with as many complainants as possible, adds to the strength of the action.

#### 6.6 OPEN LETTER

**YOU COULD WRITE AN OPEN LETTER OR PETITION WITH AS MANY COLLEAGUES SIGNING AS POSSIBLE.**

The letter could have a threshold of a number of signatories before being made public to help provide strength in numbers.

It would act as a show of the strength of feeling and a proof that you can coordinate on at least a simple action, which may scare the employer into conceding or making compromises. Those not directly involved in the work that provides military technology can also be involved in this. By showing names, an open letter has a small amount of risk for the participants, and as such can act as a test of people's commitment before actions with greater risk.







## 7.0 STEPS FOR ORGANISING A CAMPAIGN WITH COLLEAGUES

To build safety in numbers and a powerful mass campaign - whether it's calling for a change in policy or building up to a risky refusal of work - you need to get together with coworkers. You will know your own workplace best and should use your best judgement as to what will work.


### THE FOLLOWING GENERAL STEPS ARE A ROUGH OUTLINE OF HOW WE BUILD A CAMPAIGN.

#### 7.1 MOVE AWAY FROM WORK COMMUNICATIONS

Wherever possible, avoid using work communication systems to build the campaign. Using work communication systems for union campaigns should be protected (as long as it's outside of your working hours) but the assumption should be that anything you say is monitored by your employer.

Regardless of the law, employers do apply pressure to discourage reaching out to colleagues via work comms and may introduce restrictive policies for Slack, Teams, and other platforms.

If you can get people to use your union's comms system or private Signal or WhatsApp groups, then this allows much freer conversation without surveillance. Where colleagues are UTAW-CWU members, an email could be sent out to invite them to specific communication channels, or you could do phone-banking of fellow members to gauge interest and encourage involvement.

For non-members you could send a simple message like "Hi. My trade union,  **UTAW**, is running a campaign for *company* to cease contracts with Israel / adopt BDS / etc. If you're interested in getting involved, please email address with a phone number to be added to the Signal group." - adapt as needed.

#### 7.2 GAUGE INTEREST AMONG FRIENDS / TRUSTED COLLEAGUES

Talk about the issue with friends and colleagues you trust. You likely already have an idea of the views of these people and so can contact those who you think will be interested.

This is best done in person or over the phone, using non-work contact details you already have, or on calls where you're unlikely to be monitored.

With friends and fellow union members, you can form a committee of those who want to be actively involved with running the campaign (and not just passive supporters).





### 7.3 PLAN OUTREACH WITH THE INITIAL CAMPAIGN GROUP

**THE NEXT STEP IS TO DECIDE AS A COMMITTEE HOW TO REACH OUT TO GET MORE PEOPLE INVOLVED AND FIND OUT WHO SUPPORTS THE CAMPAIGN.**

This will involve a bit of admin and probably a spreadsheet. Map out your team / department / officer / company and divide coworkers who are not yet involved between you for one-to-one conversations.

If a committee member already has the personal contact details of a worker, that's a good reason for that person to be assigned to them. Likewise, if they work alongside them on a regular basis there has likely already been some trust built.

Ensure the whole committee understands that any employer-monitorable discussion should be limited to outside working hours. Also, be prepared for possible backlash, intimidation, or discussion about the activity with managers / HR.

If HR or management do approach any committee members, it is best to push back on any offer to have a one-to-one meeting (you will have to attend if directly ordered but otherwise avoid it) and try to assert that any communications should be in writing, so a paper trail can be built.

When reaching out to fellow workers, the aim will be to have them commit to an initial action on the basis of their support for this cause (e.g., joining the Whatsapp group, or signing an open letter). Another important outcome of this conversation is to get a personal email or phone number and permission to contact them further. Add this, and any commitments they made, to your map.



## 7.4 ESCALATE ACTION

**ONCE THERE ARE ENOUGH PEOPLE (TO YOUR BEST JUDGEMENT AS A COMMITTEE) SIGNED UP TO THE CAMPAIGN, IT'S TIME FOR ACTION.**

Start with a simple, low effort, low risk action, such as an open letter. Decide on the details of the action as a group (e.g., the wording of an open letter, who it will be sent to, and the target number of signatories) then start mobilising those signed up to the campaign to take the action. This will involve using multiple methods of communication, as well as leaning on personal relationships.

**ACTING TOGETHER WILL AIM TO HAVE SOME EFFECT, WHILE ALSO ACTING AS A TEST OF THE STRENGTH OF YOUR ORGANISATION AS A CAMPAIGN GROUP.**

If you can't mobilise enough people for the action, that indicates you haven't built a strong enough organisation and may need to go back to outreach and one-to-one conversations.

If you are successful, your employer may react to the action and agree to your demands, but more likely they will ignore you or try to retaliate. In this case, you will need to reconvene as a committee/campaign group and decide on your next action, which should be a step up in terms of impact and risk.

At this stage, everyone on the committee should be a union member and everyone who signed up for the campaign should be encouraged to join.

This gives you all greater protection and can be leveraged for collective negotiation to win your campaign's demands.



## 8.0 CONCLUSION

**THE ENTIRE HISTORY OF TRADE UNIONISM SHOWS US THAT THE PATH TO JUSTICE IS THROUGH SOLIDARITY AND THAT THIS REQUIRES COLLECTIVE ACTION AND STRATEGIC THINKING.**

Workers and union members must navigate the risks and protections outlined in this guide with careful consideration. **The struggle to end complicity with oppressive regimes is not without challenges, but safety lies in numbers and unity.**

As we advocate for ethical practices within our workplaces, we also acknowledge the broader context of global struggles for justice. Whether through discussions, campaigns, or more decisive actions, unions must stand firm in our commitment to justice, equality, and the protection of human rights.

**REMEMBER, EACH STEP TAKEN IN SOLIDARITY CONTRIBUTES TO A COLLECTIVE VOICE THAT ECHOES BEYOND OUR INDIVIDUAL WORKPLACES.**

THE JOURNEY MAY BE CHALLENGING, BUT IT IS A NECESSARY ONE TO ENSURE A FUTURE WHERE THE PRINCIPLES OF JUSTICE AND HUMANITY PREVAIL.