

Protest Voices



Assessing the Right to Freedom of Peaceful Assembly in Post-Pandemic, Post-Brexit Britain through the Lens of the 2022–2023 Public Sector Strikes

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Abstract

Britain is currently seeing the most coordinated public sector strike action since the 1970s. In a post-pandemic, post-Brexit Britain, the general public are going through a cost-of-living crisis, with the rate of inflation rising and real-term pay cuts. This, paired with growing restrictions on the right of peaceful assembly through the passing of oppressive policing bills, means that people are increasingly turning to unions and striking to get their voices heard. This article highlights the push-factors leading to the 2022–2023 Public Sector Strikes through a socio-political analysis of democracy and power in post-pandemic, post-Brexit Britain, whilst capturing the voices of those striking and on picket lines.

Keywords

strikes – protest – democracy – Brexit – pandemic

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Introduction

The right to peacefully protest is protected by law. However, this is not an absolute right[.]

– UK Crown Prosecution Services, 2023

Protests have always been a catalyst for social change and a tool to raise awareness of important political issues (Bimos, 2023). The act of protesting is a key pillar in democracies, playing a major role in the freedom of peaceful protest. Historically, protesting has been celebrated in Britain, and even seen within day-to-day cultural life, such as 50p coins minted with celebratory images and messages of the suffragettes or the anti-slavery movements. It is also recognised as a core element to the ‘fundamental British values’ of “democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs” (UK Department for Education, 2014). Although Britain attempts to present itself as a leading democracy on the global stage, the on-ground reality paints a bleaker picture.

The act of protesting in Britain is being increasingly criminalised, and in response people are turning to collective industrial action (Adams, O’Keeffe & Fox, 2022). This, paired with British people being caught in a volatile political-economic intersect of a post-pandemic, post-Brexit Britain during a cost-of-living crisis exacerbated by Russia’s war in Ukraine, has generated the largest collective strike action Britain has seen since the 1970s (Philipps, 2022). The mainstream media on the public sector strikes, largely fuelled by political will, does not present the strikes positively. This article counterbalances these narratives by shining a light on those participating in industrial action, to capture the motivation and feelings of being involved in collective strike action and picket lines.

In seeking to capture and understand strike action more, I communicated with junior doctors, doctors, nurses, teachers, academic teaching staff (henceforth “academics”) and students participating in, and impacted by, the general strike action. All those I communicated with chose to stay anonymous, and the semi-structured interviews were held through phone calls, online messaging, and speaking with some on picket lines. By capturing the lived experience and thoughts of strikers alongside a socio-political analysis of the situation, this article underscores factors leading to industrial action, as well as highlighting the decline of democracy in post-pandemic, post-Brexit Britain.

The article thus breaks down into the following sections: first, a brief review on the concept and practicing of Power, using an Arendtian understanding of Power as a framework; second, a socio-political analysis on the post-pandemic,

post-Brexit environment in Britain, to set context for the strikes; third, capturing the thoughts, feelings, and motivations of those who have been striking; and finally, a conclusion surmising the reasons for going on strike from a grassroots perspective, and how these strikes paired with laws blocking the right to protest underscores Britain's increasingly declining democracy, and the need to continue supporting and exercising the right to freedom of peaceful assembly.

Power, Post-Pandemic Post-Brexit Britain, and the People

To understand why there has been large-scale coordinated industrial action for over a year now, it is useful to situate the strikes in the current socio-political and economic climate. By drawing on an Arendtian understanding of Power, this section looks at the right to freedom of peaceful assembly considering post-pandemic legislation surrounding protests, and provides a socio-political examination of post-pandemic, post-Brexit Britain.

Power

Hannah Arendt describes Power as a relationship – it is dependent on unreliable and temporary agreements of many wills and intentions. Whilst power is not stable and something which is possessed, groups holding power often try hold onto this status (Arendt, 1951, 1958). Drawing from the Weberian theory of power being the ability to exercise one's will of others, Arendt emphasises that when states and governing bodies lose power, acts of state domination increase (Arendt, 1972). Presby (1992:5) condenses Arendt's notions on the stages of Power and control into five hierarchical categories: (1) free consent; (2) strategy, manipulation; (3) lying and propaganda; (4) coercion, threats of violence; and (5) physical constraint, violence. Arendt highlights that in category of *lying and propaganda*, the power-holding group influences the actions of others by giving them false information as a form of maintaining power (Arendt, 1968:229). Thereby those being lied to believe they are consenting and acting in freedom without realising the control and power over them (*ibid*). The fourth and fifth categories – *coercion, threats of violence*, and *physical constraint, violence* – expand beyond the belief of free action and into the realm of force (Presby, 1992:6). These 'categories of Power' are used to understand what is used to maintain power, and how each step indicates a transition into totalitarianism (Arendt, 1951).

Using this framework and understanding of Power, it is apparent that Britain is slipping further down in allowing citizens to practice their freedoms

and human rights. With the above list in consideration, it is evident to see clear breaches into categories three (*lying and propaganda*) and four (*coercion, threats of violence*). Most recently, ruling Conservative party members, and importantly the former-Prime Minister Boris Johnson, were caught lying about breaking COVID-19 laws to the British public. Such outward lying to citizens both during and after the pandemic falls clearly under category three. Furthermore, Britain's lockdown laws were set up to punish those who disobeyed them, and the harsh policing laws have furthered in post-pandemic Britain.

Post-Pandemic, Post-Brexit Britain

Civil liberties in Britain have been steadily declining since the country went into a state of emergency in 2020 and strict laws on gatherings were introduced (Berman, N., Couttenier, M., Monnet, N., & Ticku, R., 2020). Despite the state of emergency being lifted, the reality of post-pandemic Britain today reveals that the police-state mentality displayed during the pandemic remains present (Jones, 2022). This is reflected through the growing number of legislations increasing policing powers created, and frequently passed, in the House of Commons and House of Lords (*ibid*). For example, the *Police, Crime, Sentencing and Courts Bill* (henceforth *Policing Bill*) introduced in April 2022 established vague terminology around 'noisy protests', and equally ambiguous and undefined powers to police and governmental authorities, to crack down on the act of protesting (Amnesty International, 2022, 2023). Previously, police could only limit protests if they thought they would cause public disorder, damage to property, and/or disruption to the life of the community (Liberty Human Rights, 2010). Almost exactly a year after the *Policing Bill* was implemented, the *Public Order Bill 2023* was passed in the House of Lords. This bill yielded even more draconian powers restricting the British people's fundamental rights to peaceful protest. A major and seriously worrying clause in the *Public Order Bill* is Clause 11, "which permits a Chief Officer of police to delegate functions under sections 12 to 14A of that Act to impose conditions or prohibitions on public processions or assemblies" (UK Home Office, 2023), thereby preventing individuals from attending protests. Arguably, the amount of coordinated strike action in 2022 and 2023 is a direct response to such bills, as there are fewer 'legitimised' means of protesting and practicing resistance.

The UK Crown Prosecution Service states on its website that "the right to peacefully protest is protected by law. However, this is not an absolute right, and the behaviour of protestors may give rise to a number of criminal offences" (2023). Advertising that peaceful protest is "not an absolute right" is false information, as international human rights law obligates states to protect

and facilitate the right to freedom of peaceful assembly (Human Rights Act, 1998). The *Policing Bill* and *Public Order Bill* are in opposition to this right, contradicting the European Convention on Human Rights, which Britain is still part of despite its withdrawal from the European Union (EU). Not only does this highlight that Britain is breaching international humanitarian law, but also points to its declining democracy through the tightening of police and authoritarian governmental powers. Such civilian targeting was a tactic cemented during the pandemic across the globe (Grasse, Pavlik, Matfess, Curtice, 2021), and the 'opportunistic repression' is apparent in Britain's handling of the pandemic and subsequent lockdowns.

Many scholars highlight that governments often implemented lockdown measures during periods of political unrest (see: Barceló *et al.* (2020, 2022), Berman *et al.* (2020), Grasse *et al.* (2023), Reicher & Stott (2020), Jetten *et al.* 2020). Whilst unrest was not fully present when the UK went into lockdown in March 2020, Britain had nevertheless just entered a period of significant political shift: the UK officially withdrew from the EU on 31 January 2020. This created a drop in the pound and economic instability, and as the negotiations lengthened and finalised, UK exports to the EU dropped by 45 percent and imports fell by 33 percent (Whale & Arnett, 2022). Negotiating and facing the realities of a failing Brexit during a global pandemic (which caused a sluggish global economy and halted supply chains) resulted in job cuts and unemployment, companies going bust, and economic instability. The public sector starkly felt the joint impact of Brexit and the pandemic, with the NHS being particularly affected (Palmer & Rolewicz, 2022). 2019 statistics highlight that over 22,000 EU nationals had left the NHS since the 2016 Brexit vote (Woodcock, 2019), and by September 2021 this number had risen to 140,000 (Palmer & Rolewicz, 2022). This meant that by the height of the pandemic, people working in the NHS and in other public sector roles became overstretched whilst facing a real-term pay cut.

Concurrently, the ruling Conservative party faced months of political unrest, with a rapid turnover of Prime Ministers, COVID party scandals, and the increasing unfavourable view by the public (YouGov, 2023). In following Arendt's theory of a governmental loss in power resulting in more acts of state domination, the British government's actions clearly show this transition. The amalgamation of factors leading to unrest, paired with the heavier crackdown on civilian rights since the pandemic, has created an attempted shifting of power dynamics. In this light, the strikes can be seen as a legitimised, coordinated attempt of getting voices heard. It is also thus imperative to consider what has led strikers to where they are now, and their thoughts, feelings and motives behind striking.

Background

Going on strike is a form of industrial action where employees refuse to work. In the UK, you need to belong to a trade union to strike, and only when a majority vote for action they can strike (UK Government, 2023). Once on strike, members participating do not receive pay. Many people I spoke to emphasised that striking is a last resort and, especially during a cost-of-living crisis, has real financial consequences.

The wave of strikes began in June 2022. Starting with the members of the National Union of Rail, Maritime, and Transport Workers, this strike saw around 40,000 rail staff and 10,000 London Underground staff walking out (Emmett, 2022). Over a year later, negotiations are still ongoing after transport strikes continued every few months, with the most recent being in early-September 2023. Also in June 2022, members of the British Medical Association voted to strike because of unfair contracts (Lewis, 2022). Months later this was followed by Junior Doctors striking to demand higher salaries after a real term pay cut. In June 2023, the government offered a 6 percent increase with the Prime Minister urging staff to “do the right thing” by calling off the strikes (Roberts, 2023). This was rejected and strikes continued with more senior consultants joining forces with junior doctors and striking in September 2023. Another significant strike was conducted by the Royal College of Nursing, who announced in October 2022 plans to ballot its 300,000 members on strike action – the first in its 106-year history (Campbell, 2022). Nurses have similarly been consistently striking throughout the year, and accepted the governments final 5 percent pay offer in mid-May 2023. Other sections within the medical field also held walkouts, such as ambulance workers who overlapped their strikes with the nurses’ strike, creating the largest strike in NHS history. The education sector followed suit in June 2022, demanding a pay rise to keep up with inflation levels. The government offered slight pay rises and one-off payments, but these were rejected and strikes continued (Clarke, 2023). In July 2023, the National Education Union announced that its members had accepted the 6.5 percent pay increase offer from the government. Academics in higher education also went on strike and started their calls for fair pay in October 2022. The following November and January, academic walkouts appeared to help progress with employers, so strikes were halted. However, in April a UK-wide marking boycott took place at 145 universities, which was met with university management deducting striking staff’s pay by 50 percent (BBC, 2023). More strikes for fair pay were planned for late September 2023, however many called off the strike action to target specific universities instead. Nevertheless, the public sector strikes are set to continue for the foreseeable future.

The People

The theme of pay was the greatest recurring notion brought by NHS staff, teachers, and academics. The first thing brought up by interviewed teachers, all of whom work in state schools, was the issue of pay needing to keep pace with the cost-of-living crisis. One teacher commented on how the government's proposed offer was meant to be funded out of current schools' budgets, "which are already under an enormous amount of pressure" (Teacher A, 2023). When speaking about striking and pay, both teachers and academics interviewed stressed that they are not paid on the days they strike, and that "especially in a city like London, in a very real cost-of-living crisis, that actually has an impact on your pocket these days" (Academic A, 2023), with a teacher commenting that, "I have colleagues who haven't gone on strike because they cannot afford to do so" (Teacher B, 2023). Teachers who were longer in the profession commented on the fact that "the 5% [pay rise] paid last the autumn was the first rise for ten years of so" (Teacher A, 2023). Many noted that the lack of recognition the government were giving them has led them, and the public institutions they are working in, to breaking point. When speaking to university students and parents of school students who were impacted by strikes, there were mixed reactions. The general consensus was support and solidarity for teachers and academics on strike. However, a common theme particularly amongst students who studied during the pandemic was that of exhaustion and a sense of unfairness towards their generation. One student referred to the 2019 strikes, followed by two years of online university during the pandemic, and then losing in-person contact hours due to more strikes, stating that her generation of students had to pay full fees for a less-than-full university experience. Other students I spoke to said that they supported the strikes fully, but once the marking boycott occurred, those graduating felt major anxieties about not getting into Master's courses or graduate schemes because they required grades for that. Both the university students and the parents of school children I spoke to backed the strikes, but emphasised that particularly for those whose education was impacted by lockdown measures, they couldn't help but feel some form of second-hand injustice because of the lack of response from employers and the government.

NHS staff in particular noted the juxtaposition between the governmental recognition of the NHS during the pandemic, to the lack of support given in practice. During the pandemic, the narrative of public sector workers in general (i.e. client-facing jobs, increasing chances of COVID-19 exposure), shifted from "low-skilled workers" to "key workers" and "national heroes". The employment of wartime rhetoric through terms like "frontline workers" when talking about

public sector jobs a dangerous message of ‘laying down lives for the greater good’. When speaking on this, a junior doctor stated that “calling people heroes suggests that you have to do it for free, and it’s a harmful narrative” (Junior Doctor B, 2023). The notion of working for little pay, but for the good of the country, lingers on from the pandemic. At the beginning of the lockdown, the then-Prime Minister, Boris Johnson, urged citizens to stand outside their doors and “clap for carers” (Reuters, 2020). Whilst the clapping was perhaps originally intended to boost morale and unite citizens against “the enemy” of COVID (Johnson, 2020), as the pandemic intensified the claps reduced and lost meaning. Many commented on how during the pandemic the weekly ‘clap for carers’ became synonymous with working overtime and without financial, physical or emotional compensation, often citing the phrase heard and seen at picket lines, “claps don’t pay the bills”. This was something that I could really understand but from an outside perspective – the government put significant social pressure on its citizens during the ‘clap for carers era’ to ‘prove’ your solidarity, however when it comes down to solidarity in fighting for fair pay, parties pushing to ‘clap for carers’ seem to disappear and disagree with these demands.

The interviewed NHS workers described their disappointment and dismay at the government’s rebuttal to a pay rise. One junior doctor referenced back to the government’s spending and mishandling of contracts during the pandemic, stating, “it’s one of those things where you call us your ‘NHS heroes’ but then spend fourteen-billion pounds on unusable PPE. (...) To give every single junior doctor the pay rise we’re asking for would be a fraction of their misspending” (Junior Doctor B, 2023). Another doctor noted that another large contributing factor to the strikes was the governments cuts in funding the NHS (Doctor B). Many NHS staff described feeling “really sad” and “frustrated” (Junior Doctor A, Junior Doctor B, Junior C, Nurse A, Doctor A, 2023) that the NHS had gotten to this point, with people stressing that this environment and their rights as employees have been eroded steadily over the years. A reoccurring topic was that workers feel they can’t deliver what patience deserve within a dying system – “everyone is going to leave and not work at the NHS, who would subject themselves to this?” (Junior Doctor B). The subject of decreasing conditions of their workplaces and a lack of staff retention was mirrored by teachers. Many noted that seeing poorly paid teachers in post don’t attract entrants, and that, like NHS staff, there is a shortage of teachers (Teacher A, Teacher B). One teacher particularly stressed what is driving the decreasing work conditions, citing the “workload as a result of government schemes (...);

behaviour of children (...);¹ and public perception which has gone from [very] high (during COVID) to [very] negative as a result of strikes and government mismanagement” (Teacher B).

Comments on general public perception, as well as mainstream media and official narratives, was also noted by NHS staff. One junior doctor highlighted that the narrative of ‘doctors are greedy and lazy’ is so wrong and so hurtful” (Junior Doctor C), with another saying, “the public is so misinformed about what [NHS workers] careers look like, and what the jobs are, and what it means when they’re not at work” (Junior Doctor B). Such comments on public perception highlights that the British government are holding onto their slipping power by utilising tactics of civilian control such as the use of misinformation. The gradual removal of democratic rights becomes even more apparent when recognising the legislation government has been trying to pass in response to the 2022–2023 public sector strikes, such as the *Strikes (Minimum Service Bill)*, which would have allowed ministers to dictate the levels of service maintained during industrial action and remove employees’ rights to protection against unfair dismissal (Dykes, 2023). The increase in government powers, paired with an exhausted working population facing real and lived economic and social hardships, makes an already unstable political environment even more volatile.

Conclusion

Governmental crackdowns on the freedom of peaceful assembly indicates two major things: (1) a government losing their sense of power; and (2) the decline of democracy. As this right is becoming increasingly curbed and criminalised by the British government, and during a period of widespread and increasingly normalised misinformation, it becomes even more imperative to critically assess official narratives being told by the state and mainstream news outlets. Listening to the voices of those demanding for change counterbalances such narratives, and places lived experiences the centre of the current public sector strike action.

Post-pandemic, post-Brexit Britain is at an unstable crossroad of political instability. An economy impacted by the pandemic, Brexit, and a cost-of-living crisis simultaneously creates real and lived consequences on everyday people facing these economic blows. Through using Hannah Arendt’s theories

1 This teacher stated that the behaviour of children in classrooms has worsened due to the effects of lockdown measures and the widespread proliferation of phones and social media.

on Power, it becomes clear that the government's response to general public frustration is to restrict civilian freedoms through the passing of bills like the *Policing Bill 2022* and *Public Order Bill 2023*. The right to freedom of peaceful gatherings is a vital right to exercise, especially whilst all the indicators are pointing towards a government sliding into totalitarianism.

Whilst many strikers described their frustration, sadness, guilt, deflation, and anger, there was nevertheless a hope for the future. The strike action, whilst they are still protected by law and general public opinion, can be seen in a bright light: individuals and collectives are coming together through adversity to make positive changes to create fully-functioning public institutions. Exercising the democratic and human right to peaceful protests in demanding for greater socio-political change is a right that needs continuing support and exercise in order to combat that steady removal of human rights in 'leading' Western democracies. Strikes present a path to positive change, and as a teacher emphasised, "if we don't strike, it will be worse in the long-term". In a country and a world where democratic freedoms are on the decline, taking a stand and holding collective calls for action through peaceful assembly is a right which needs to be protected by citizens, who have the means to shift the relationship of Power.

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