

## **Police Unions**

### **Definition**

Police employee organisations, also referred to as associations or federations or lodges. Organisations that seek to protect the rights, interests and welfare of their members.

### **Distinctive features**

Police unions have become an increasingly prominent feature of the modern police organisation although most were formed in the early twentieth century. Despite initial resistance to the unionisation of police, even in western liberal democracies, police unions have been remarkably successful in achieving benefits for their members. Although the aims of police unions are largely stated as improving the wages and working conditions of their members, the legal service many of them provide to members accused of misconduct or other infringements is an important aspect of membership. Some research suggests that this service alone ensures the almost 100 per cent membership in many police unions.

The police union acts as the body representing police employees. Most police unions only represent sworn police officers, sometimes organised around the various ranks (as in the United Kingdom (UK) and some parts of Australia and the United States (US)) or otherwise including all members from recruits to the Chief Police Officer. In the UK the Police Federation of England and Wales (PFEW) represents all ranks to Chief Inspector. Superintendents have their own Association. Chief Police Officers belong to the increasingly powerful Association of Chief Police Officers. In the US and Canada police chiefs meet separately and enjoy significant influence in determining the priorities for their departments.

Some police unions include non-sworn members in their membership and/or have an Associate membership provision. The Australian Federal Police Association for example provides a full membership to all employees of the Australian Federal Police and an Associate membership for previous members and any employee of the Commonwealth engaged in a law enforcement role.

Police unions derive their resources from membership fees and/or levies on all members. These resources are often enhanced by the arrangement with the police organisation itself whereby Presidents or Secretaries of the police union are allowed to undertake union business on full or part-time secondment arrangements. Most police unions have their own newsletter/journal published on a regular basis and distributed, not only to members but to the wider political community. As well as their own internal 'executive' meetings, police unions hold regular conferences. These conferences provide an opportunity for delegates to discuss and debate police issues. While criminal justice reform, legislation and policy are on the agenda, much of the time spent at these conferences concerns union business. Delegates discuss 'union business' in terms of mandate, duty of 'fair representation' and their role as bargaining agent. Union 'business' also includes the

management of the union – a thriving business in many ways and fiduciary responsibility, election of officers, standing committee reports (such as legal assistance), budgets, planning and general day to day operations consume much of the conference time. These forums invite police union representatives from other jurisdictions to contribute to debate.

Almost universally, police unions are organisations without full union status (as defined by broad labour relations legislation) or independence and are legally prohibited from taking strike action. The reality is though that police unions have generally been reluctant to strike preferring instead to engage in public campaigning or alternative industrial action when it has been deemed appropriate. Such strategies include, ‘blue flu’ whereby police officers call in sick ‘en masse’. A variant of this occurs when police officers collectively turn in their vehicles for service on any given day. Letter drops, marches on parliament, media comment, work-to-rule campaigns, picketing activity and advertising campaigns are other examples. Many organisations have their own research units which are used to inform police union comment. Others use professional consultants to provide evidence for their cause. Legislation providing stricter controls on when and how unions may legally engage in industrial action (in Australia for example) has not proven to be effective against police union industrial activity.

In the UK, US, Canada, New Zealand and Australia police unions have circumvented the constraints around industrial activity in other ways. The political lobbying strategy has been widely used in the UK by the PFEW. Activities include issue-based lobbying of parliamentarians, one-on-one lobbying with individual members of parliament, Federation funded ‘parliamentary advisers’ and working with other organizations to achieve political objectives (networking). In Australia, the Police Federation of Australia plays a pivotal co-ordination role in bringing together the resources of eight police union organisations and provides a peak lobbying service for the Australian police union movement. In recent years it has been involved in police tax campaigns, police superannuation legislation and more recently national retirement provisions for Australia’s 52,000 police officers. In the US where police are very much part of the political canvass, the numerous police unions have proven adept at utilising the political environment to advance members’ interests. In all these cases it is not an exaggeration to suggest that police, through their unions, have become pivotal ‘insiders’ in the criminal justice network influencing policy, administration and legislation.

In recent years police unions have begun to broaden their areas of interest with many organisations looking beyond the wages and better working conditions remit and assessing their place in the future of policing practice. Private security, tertiary education for officers, professionalism and family/work balances are now an additional part of the unions’ continuing agenda. Additionally while police unions have always been involved in police networks with a view to consolidating and extending their reach at the national level, police union groups are now expanding their networks both regionally and internationally.

## **Evaluation**

Despite the relatively long history of police union rights and the institutionalisation of police unions in many western liberal countries not all countries enjoy the freedom to unionise. While there are a number of jurisdictions around the world who with government support have gained the right to bargain collectively and/or administer a collective agreement, it is not the case for all. There is now a considerable amount of activity within 'non-western' countries where police officers are now demanding that their right to organise and to bargain collectively should be recognised. This agitation for labour and social rights for police is currently underway, for example, in Swaziland (Southern Africa), and in Bucharest (in Eastern Europe).

According to the International Labour Organisation (ILO), freedom of association and the right to organise and bargain collectively are fundamental human rights. However these ILO 'guaranteed' rights do not apply automatically to police and the armed services. In 2003 for example, Argentinean police officers approached the ILO when their government refused to allow them to unionise. The ILO concluded its deliberations in favour of the Argentinean government citing national laws and regulations as taking precedence in the case of police and armed forces. Similarly in Swaziland, industrial relations legislation prohibits police or the security forces more generally from forming a union. Indeed the only police union in Africa is the Police and Civil Rights Union in South Africa. In Mauritius while police officers have collective representation rights they have no real collective bargaining rights. The Mauritius Police Association is currently seeking broader labour rights concessions and have looked toward more established police unions for assistance in securing these rights.

International networking for police unions began formerly in 1996 when the International Law Enforcement Council was formed in Canada. Early members were Canada, England and Wales, Scotland, Northern Ireland and the US. Australia, New Zealand and Denmark joined in 1998. In 2006 the network was expanded and now includes representatives from South Africa, and organisations from the South Pacific. The network is now called the International Council of Police Representative Associations (ICPRA) and meets bi-annually. The European Confederation of Police (EUROCCOP) is the European umbrella organisation of 33 police unions and staff organisations covering 28 countries. EUROCCOP is committed to supporting countries like Spain and Portugal in their quest for police workers' rights. ICPRA has been helping those organisations such as the Swaziland Police with strategic direction, legal advice and financial aid with a view to assisting them in their quest for the right to unionise. It has also been giving support to the Guardia Civil in Spain whose rights have been limited by the Spanish government.

In most western democratic countries police unionism is accepted by governments. However, the relationship between police unions and their employers (government) and managers is not always harmonious. Given their potential to seriously disrupt 'peace and order' and their capacity to fundamentally challenge managerial prerogative, they are generally regarded as disruptive entities. Equally important, they are viewed as bodies that resist reform, acting defensively rather than contemplating the 'real' governance changes that have impacted on the provision of policing services.

The continued scepticism about police unions capacity to build the policing enterprise is perhaps not a response to their mere existence. It is more likely due to the reality that police unions have hastened the breakdown of militaristic aspects of police organisational culture and have become a pivotal node in police decision-making processes. Police managers and employers alike are cautious of the consequences of making decisions or creating plans without the 'buy-in' of the unions. The unions' high profile 'insider' status and subsequent influence have become an important factor in law and order debates. Significantly police unions invariably enjoy strong levels of support from their communities. This has made it difficult for politicians to dismiss their claims and public discourse as irrelevant.

Jenny Fleming and Monique Marks

### References

- Burgess, M (2006) 'Police Unions as Network Participants' in Fleming, J and Wood, J (eds) (2006) *Fighting Crime Together: The Challenges of Policing and Security Networks*, University of New South Wales Press, Sydney, 150-169
- Finnane, M. (2002). *When Police Unionise: The Politics of Law and Order in Australia*. Sydney: Institute of Criminology, University of Sydney.
- Fleming, J and Marks, M (2004) 'Reformers or Resisters? The State of Police Unionism in Australia', *Employment Relations Record*, Vol 4 (1)
- Marks, M and Fleming, J (2006) 'The right to unionise, the right to bargain and the right to democratic policing', *The Annals of the American Academy of Political and Social Science*, Special Issue, Vol. 605 (1) May, 178-199.
- Marks, M and Fleming, J (2007) 'Police as Workers: Police labour rights in Southern Africa and beyond', *SA Crime Quarterly*, No. 19, March, 13-18.
- Reiner, R. (1978). *The Blue Coated Worker: A Sociological Study of Police Unionism*. London: Cambridge University Press.