

UK anti-strike legislation goes to third reading in parliament

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Britain's new anti-strike laws are expected to be on the statute books by the summer. They are some of the most draconian in the world.

The next vote on the Strikes (Minimum Service Levels) Bill takes place on January 30, before it proceeds to the House of Lords. The Bill will allow the government to impose Minimum Service Levels (MSLs) on six sectors of the workforce, public and private, covering key industries. The first to be brought under the legislation are the ambulance, fire/rescue and rail services. The legislation will then be imposed on the health and education services, border security and nuclear decommissioning.

This would mean a significant proportion of workers (around 20 percent) across vital sections of the economy would have to keep working during industrial action.

The law is aimed at preventing millions of workers from taking effective strike action. It will cover all the countries of the United Kingdom except Northern Ireland.

The legislation will initially cover over 130,000 workers. But it will then be vastly extended to cover well over 5 million workers. These are the 2.5 million employees in the education sector and around 2.5 million in health, and 650,000 plus workers in transport, including 310,000 in sectors linked to the mass transit of passengers.

The 2016 Trade Union Act was the first UK legislation to define these sectors as “important public services”, adding “rescue” to “fire services” and expanded the definition of “education services” to include “education of those aged under 17.”

It imposed ballot thresholds for strikes and more onerous ones for those in key industries. The Act 2016 introduced a new minimum turnout threshold, requiring a ballot turnout of at least 50 percent of those eligible to vote in order for the industrial action to proceed. An additional threshold was imposed for important public

services where at least 40 percent of those eligible to vote were required to vote yes to strike action.

At the time, the Labour Party only quibbled over wording, tabling a defeated amendment calling for the 40 percent ballot turnout threshold to apply only to those who work in “essential services” as defined by the International Labor Organisation, that states “the interruption of which would endanger the life, personal safety or health of the whole or part of the population”.

Under the new legislation, a set percentage of services determined by the government must be allowed to function during strikes. Workers would be named and instructed to work by companies, effectively conscripted, even after having voted to strike in a legal ballot. Currently only police officers, members of the armed forces and some prison officers are prohibited from striking.

Failure by workers and trade unions to comply with the laws will have drastic implications. If unions do not take “reasonable steps” to ensure workers comply with work notices, they can be sued for damages by employers—with the cap for these costs increased last year, taking them up to £1 million.

The Bill ends unfair dismissal protections enshrined in the Trade Union and Labour Relations (Consolidation) Act 1992, which the House of Commons library notes, “gives protection to employees against dismissal because of taking part in industrial action, by making any such dismissal automatically unfair, providing the industrial action they take part in is protected (meaning the union has complied with all legal requirements).”

An amendment in the new bill “would remove this protection from any employee who takes part in a strike contrary to a valid work notice from an employer that has identified and requested that employee to work.”

The new law not only allows a worker defying an instruction to work to be fired. It allows the mass firing of

all workers involved in strike action if a union is deemed not to have taken reasonable steps to ensure the specified workers comply with work notices.

The House of Commons briefing explains, “As acts to induce workers to take part in strikes would no longer be protected against tort action under section 219 if the union ‘fails to take reasonable steps’ under new section 234E(b), any workers taking part in such strikes would lose their protection from dismissal under section 238A, even if they personally complied with the work notices.”

Bringing millions of workers under the legislation is central to the government’s plans to clamp down on the strike wave now involving millions of workers in education and the National Health Service. On January 30, a ballot for industrial action by more than 33,000 members of the Fire Brigades Union will close, with a vote to strike expected. The government has ensured minimum service regulations can be used against any strike taking place from the day after the legislation is enacted, even if the relevant strike ballot took place before the Bill was passed.

The Labour Party pledged to vote against the Act, knowing that its passage is a formality given the Tories’ substantial parliamentary majority. However, its main reason for opposing the Bill is because it is happy with the existing raft of anti-strike legislation passed by Margaret Thatcher, which the 1997-2010 Blair-Brown government maintained in its entirety despite Labour’s enormous majority.

More fundamentally, Labour leader Sir Keir Starmer argues that the trade unions must be relied on to repress strikes by building a corporatist arrangement in which the union bureaucracy works closely together with big business and the government.

Opposing the bill, Labour deputy leader Angela Rayner claimed that a major problem with the legislation is that, in France and Spain, where such laws are in force, they “lose vastly more strike days than Britain. Has the transport minister taken any time at all to speak to their governments or trade unions to learn any real lessons from them?”

The trade unions have declared they will take only legal action in opposition to the Bill, with neither the Trades Union Congress (TUC) nor any of its 48 affiliated unions organising industrial action to fight it. TUC General Secretary Paul Nowak pledged the trade unions’ compliance with its provisions once passed, while waiting on a future Labour government to repeal it.

The unions are appealing not only to Labour MPs to

oppose the Bill, but to Tory MPs as well, from the very ruling party pushing it through.

In seeking to legitimise its plans, the government argued, “Even the International Labour Organization—the guardian of workers’ rights around the world to which the TUC itself subscribes—says that minimum service levels are a proportionate way of balancing the right to strike with the need to protect the wider public.”

Many restrictions on strikes, including minimum services requirements, are indeed authorised by the ILO—testament to the rotten character of the trade union bureaucracy the world over and the way it disarms workers in the face of a brutal class war offensive being waged by the ruling class internationally.

In a perspective article last December, the *World Socialist Web Site* warned of the implications of the Bill then being drafted by the government, and its stated intention to use the armed forces to against the growing strike movement. We noted, “Minimum services legislation is already widely used across Europe and has spearheaded a turn to direct state repression to enforce brutal austerity ever since the 2008 global financial meltdown.”

The House of Commons briefing gives numerous examples of how such authoritarian measures are relied on by the ruling elite and complied with by the union bureaucracy.

It notes that in Spain, “On 23 September 2010, for the first time a collective agreement was concluded between the [Socialist Party] Government and the two main trade unions to organise minimum service provision during general strike action that was due to take place six days later. The agreement mainly covered the transport sector, as negotiations in all other sectors had failed.”

Whatever lie Starmer, Rayner and company tell now, the likelihood is that a Labour government would discover the merits of maintaining MSLs once in office, just as its Blairite predecessors kept the last round of Tory anti-strike laws in place.



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