

UK government prepares to use anti-strike laws against doctors

Robert Stevens
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The Conservative government is preparing to use its new anti-strike legislation against National Health Service (NHS) workers in Britain.

Threats to use the Strikes (Minimum Services Levels) Act were ramped up during this week's annual conference of the Conservative Party. Consultants, senior doctors and radiographers began strike action over three days from Monday.

Hospitals across England saw picket lines mounted by members of the British Medical Association (BMA), which represents junior doctors and consultants. The three-day strike follows earlier walk-outs by medics who are seeking an above-inflation increase to make up for years of pay erosion. Last month, the two groups took joint strike action on one day for the first time. Including this week's strikes senior doctors have held five days of action, while junior doctors have held 25 days of strikes.

The doctors and radiographers are the last NHS workers involved in industrial action, after a dozen health trade unions reached a sellout agreement detrimental to over 1 million staff.

On the eve of the strike, the leadership of the senior consultants wrote to Health Minister Steve Barclay saying that there was no further industrial action scheduled and that the BMA wanted further negotiations to settle the dispute. The BMA pledged that no further strikes would be called for four weeks to allow time for talks. It added that strikes would be resumed if there were no "credible deal that we can put to our members by November 3". This offer was reiterated on Tuesday by BMA leaders at a national rally of hundreds of striking doctors held outside the conference centre in Manchester where the Conservatives are meeting.

Consultants are calling for a 12 percent rise for

2023-2024, while their junior colleagues are demanding a 35 percent rise to make up for 15 years of real-terms pay cuts. The government has made a "final" pay offer of a below inflation 6 percent for consultants, and 6 percent plus a lump sum of £1,250 for junior doctors.

The Tory government is working flat out to defeat the doctors strike, not to negotiate and compromise with the *Financial Times* noting Tuesday, "No direct talks have taken place between [Health Minister Steve] Barclay and the British Medical Association, the doctors' union, for more than six months". Replying to the BMA's letter, the government said there was nothing to negotiate.

Prime Minister Rishi Sunak ensured that the doctors strike featured in his keynote speech ending the Tories conference Wednesday, complaining that "they continue to demand, massive unaffordable pay rises."

The previous day Barclay said the Tories "have faced opposition from the usual suspects when we are trying to do the best for patients. You probably saw some of them on your way in this morning. The militant BMA leadership – whose strikes have resulted in countless cancelled appointments and pose a serious threat to the NHS's recovery from the pandemic. Their Consultants and Junior Doctors Committee are relentlessly demanding massive pay rises."

He pledged the government would "take on" and defeat the doctors. This is to be carried by imposing "work notices" under minimum service levels, forcing NHS workers to break strikes. Last month, after the government finished sham consultations on minimum service levels for ambulance staff, fire and rescue services and passenger rail workers, it launched a new consultation on bringing doctors and nurses under the legislation. The eight week consultation ends November 14, meaning that any industrial action after

that date can be targeted. A Department of Health statement updated on October 3 read, “We propose that hospitals will treat people who require urgent or emergency treatment in hospital and people who are receiving hospital care and are not yet well enough or able to be discharged, during the period of industrial action as they would on a non-strike day”. Presently some staff are already exempted from strike action, with trade union agreement, to provide the cover needed to care for patients.

The Strikes Act containing the legislation was passed in July, but almost every trade union that had been involved in a strike wave that began last summer has caved in and accepted a sellout below inflation deal, meaning the government has not yet resorted to using the authoritarian powers. A frothing Tory media is now demanding that it is used against any upcoming strikes by doctors and rail workers.

The *Telegraph* editorialised Monday under the headline “Time to strike back against the strikers” that “The Government has sought to legislate to ensure employers can insist upon the provision of basic levels of service, but there are no signs of that yet being enforced in any serious way. It’s time it was.”

In response to this offensive, both wings of the BMA leadership are claiming that the government will eventually respond to a few sporadic strikes organised by a self-described “fighting trade union” and to moral appeals. Vivek Trivedi, co-chair of the BMA junior doctors committee told the media Tuesday that “We don’t have to strike ever in the future. We can cancel the rest of this weeks strikes if the government came to the table and put an offer which is credible to our membership to end this dispute, but they are still resolutely ignoring us.”

These bankrupt appeals were made even as Trivedi acknowledged, “It’s been more than 140 days since he met with my colleagues and its been 170 days since he met with our consultant colleagues.”

BMA council chair Phil Banfield declared at the rally, “They [the Tories] say the NHS is safe in Rishi’s hands. I say prove it. End the pay dispute here and now. Get round the table and give us a credible offer”

He stated, “The BMA is coming to be at your side in your workplace... we are changing the way we train our reps and activists... we are experts as a professional association, but we are the doctors trade union... we will

not just win this dispute but every dispute.”

Such bellicose language is an attempt to restore faith in the BMA after its selling out the junior doctors’ national strike in 2016, leading to an acceleration in attacks on their pay and conditions.

In response a group of “left” forces won leadership positions in the union’s junior doctors’ section. One of their number, Dr. Arjan Singh, told a rally in London in April, “We will not sell you out. There will be no weak or feeble action. To the registrar’s here, this is a new BMA and this is not 2016. This is a BMA that is unashamedly pro-doctor and for you.”

Since that date the union has not wrested a single concession from the government.

Workers cannot take a single step forward solely on the basis of occasional strikes called by the unions, no matter how much their leadership proclaim themselves as willing to fight. The nominally “left” Communications Workers Union leadership under Dave Ward sold out a national strike by over 100,000 workers months ago and the Rail, Maritime and Transport union under its “left” leader Mick Lynch is seeking a similar sell-out to end action by rail workers.

What is required is a political offensive against the Tory government hellbent on slashing the NHS to the bone and its eventual full privatisation. This must involve the mobilisation of all health workers and the entire working class. NHS FightBack, an initiative of the Socialist Equality Party, urges doctors to draw the lessons of the 2016 strike and turn to the necessary formation of rank-and-file committees, independent of the BMA bureaucracy.

Contact and join NHS FightBack today. NHS FightBack Facebook here and X/Twitter here.



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