

UK: Minimum Services Legislation to be used against teachers in future strikes

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The Department of Education (DfE) met with trade unions last Friday following an “invitation” by Education Secretary Gillian Keegan to discuss a “voluntary” agreement to limit industrial action in schools and colleges.

If no agreement is reached, Keegan told Parliament the same day, she will use powers granted through the Strikes (Minimum Service Levels) Act introduced in July to prevent education workers from striking.

The new legislation is central to the shift in ruling circles to authoritarian rule in response to an upsurge of class struggle and industrial action not witnessed in over 30 years. It goes hand in hand with calls for a police crackdown to criminalise mass protests nationwide against the Conservative government’s backing of the Israeli onslaught on Gaza.

Daniel Kebede, newly elected general secretary of the National Education Union (NEU), the sector’s largest, informed his members through X Friday: “Interesting shotgun meeting again with the DFE. Less than 24 hours’ notice. No notice of what was to be discussed. Turns out they want to implement Minimum Service Levels in schools to break strikes.”

The Strikes (MSL) Act grants ministers’ powers to impose minimum service levels during strikes in key sectors of the economy. It will be used against workers in ambulance, fire and rail services, health, education, border security and nuclear decommissioning.

The government’s draft Code of Practice for MSL threatens workers taking lawful strike action with disciplinary charges and threats to their employment, as well as levelling fines against unions and individual workers. The draft code states, “To encourage compliance, unions must take ‘reasonable steps’ to ensure members who are identified on the work notice on a strike day do not take part in strike action and

comply with the work notice... If a trade union fails to take reasonable steps, the employer could seek damages from the union or an injunction to prevent the strike action taking place.”

Kebede responded with a meaningless wish list committing the NEU to nothing, stating, “1) if @GillianKeegan wants to implement minimum service levels, I have some ideas: Every child taught in a class under 30, every child taught by a qualified teacher, every child to have the SEND [special educational needs] support they need, every child to be taught in a school that is fit for purpose and not crumbling.”

In July, the education unions—led by the NEU—sold out strikes that were spread over seven months against intolerable working conditions, declining wages and a dire lack of funding. In her statement Friday, Keegan complained, “Ten days of strikes by educators this year resulted in the loss of 25 million school days.”

So how does the NEU aim deliver a counter-offensive? According to Kebede, an incoming Labour government led by Sir Keir Starmer would be the cure: “2) The government have no democratic mandate to attack our democratic right to strike. The PM has never faced an election and they would be wiped out if they did. No mandate and no right to attack our democratic right to strike.”

Trade unions have hailed the prospect of an incoming Labour government, on the basis that it is committed to repealing the Strikes Act. But the opposition of the Labour Party and the trade unions to the Act is premised on the trade union bureaucracy’s proven role in suppressing every major struggle of the working class over the last four decades. To impose MSLs, they warn, would risk the class struggle breaking out of their control.

That the education unions will mount no effective

campaign to defend the right to strike and protect their members was established in the sellout of the NEU's strikes in July. As the MSL legislation went through its final stages in parliament on July 20, the unions were balloting staff to end their strike action against the government. The NEU called out its members who demanded a 12 percent wage rise—which was to be fully funded—but accepted a rotten below inflation 6.5 percent rise that was not fully funded with almost half the rise (3 percent) coming out of cash strapped school budgets.

Educators accepted the government's offer of 6.5 percent, convinced that the union bureaucracy had proven that they would not take up a fight for fully funded above inflation pay rise. The three main unions, NEU, NASUWT and NAHT had all passed their threshold for strike action, threatening a first ever mass strike of all educators.

As this sell-out was imposed, no mention was made of the anti-strike laws and their implications, nor any action proposed to overturn the dictatorial measures. This was mirrored by the trade unions involved in strikes throughout the country—the Rail, Maritime and Transport union, Communication Workers Union, University and College Union, Royal College of Nursing, and British Medical Association.

The MSL legislation is in preparation for a renewed offensive by workers, with the government making clear it anticipates ongoing opposition to its agenda of war and austerity. The draft Code explains, “Since June 2022, there have been more than 4 million working days lost to strikes, far more than in any previous year over the last 30 years. Industrial action has affected around one in ten businesses, and of those affected, around one in four on average reported not being able to fully operate due to industrial action.”

It cautions, “While a number of unions have now accepted pay deals, there is no guarantee that the level of strike action experienced over the last year, which caused severe disruption and threatened the lives and livelihoods of the public, will not happen again.”

The government's is correct in its prognosis, whatever efforts are made by the union bureaucracy to suppress the class struggle.

Schools, in particular, are a social and political tinderbox. They reopened in September amid a Raac (Reinforced Autoclave Aerated Concrete) scandal that

has resulted in mass disruption to children's education as over 100 schools were forced to close fully or partially due to fear of their imminent collapse, with over 500 others at risk and 8,000 needing urgent risk assessments. The government has refused to provide the over £4 billion in immediate funding to rebuild unsafe schools. In addition, COVID is once again rampant, threatening the lives and welfare of teachers and children. The government has already reneged on its funding promises made to end the school strikes, claiming to have made an “error” in its calculations that will mean schools must cover a £370 million shortfall from their already dwindling budgets. The number of children in class sizes over 30 is the biggest ever and job vacancies at their highest since 2004.

Most fundamentally, the social crisis facing the entire working class worsens by the day under conditions where the joint Tory/Labour drive for austerity is sharpened by the need to find British imperialism's war measures against Russia in Ukraine and now its backing for Israel's filthy genocide against the Palestinians. Mass opposition to the crimes of Israel and its backers in London, Tory and Labour alike, is strongest among the younger generation and is shared by the majority of educators.

Teachers and other educators must draw the lessons from the union bureaucracy's sabotage and betrayal of every national dispute of the last year, including those of postal workers, rail workers, university staff, and health workers. They must act independently of the bureaucracy by building rank-and-file committees in every workplace, linked to broader sections of workers in struggle throughout Britain and internationally against the imposition of austerity and war.

To join the Educators Rank-and-File Safety Committee click here.



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