

**WORKERS CAN WIN**

# Resisting the latest anti-strike laws

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[www.workers-can-win.info](http://www.workers-can-win.info)

14 March 2024

Unite London Digital & Tech Branch

# Agenda

1. Introduction
2. A right to strike?
3. Problems
4. Minimum Service Levels
5. Union responses
6. What can we do

# 1) Introduction

Manchester-based workplace activist since 1991.

Let several strikes including the first national strike in the IT industry in Britain.

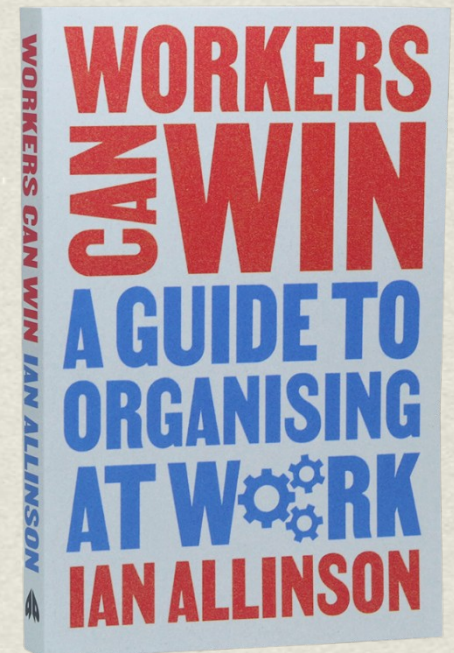
Former Unite Executive Council member and General Secretary candidate.

Manchester TUC exec member responsible for coordinating strike solidarity.

Now a UNISON activist in public transport.

Author of Workers Can Win.

One of the coordinators of Troublemakers At Work.



## 2) A 'right to strike'?

- There is no 'right to strike' in Britain
- From 1906, union 'immunity' from being sued in connection with trade disputes
- From 1980, immunity successively restricted
- Main threat is injunctions, not being sued
  - Meant to be temporary, but full hearings rare
  - Employers only have to show 'a serious question to be tried'
  - Complexity facilitates injunctions on technicalities
  - Breaches can lead to contempt of court - unlimited fines, sequestration
- Since the 1970s, anti-union legislation has relied on pressuring paid union officers to police members, not criminalising strikers
- Until 1997, dismissals of strikers were not automatically unfair - workers relied on sticking together



# 3) Problems

1. Postal ballots are slow and reduce participation
2. Slow, complex process gives opportunities for injunctions
3. Employers can impose changes (e.g. redundancies) before workers can lawfully take action
4. 'Trade dispute' only with your own employer, but employers can divide themselves up, subcontract, use agencies etc.
5. Lawful action was already impractical in some industries e.g. construction due to employer fragmentation and worker turnover
6. Turnout thresholds are anti-democratic. Particularly affects big bargaining units e.g. local government, NHS
7. No lawful solidarity action or (generally) action over issues such as climate change (see [workers-can-win.info/climate-strike](https://workers-can-win.info/climate-strike)) or war

# 4) Minimum Service Levels

The Strikes (Minimum Service Levels) Act 2023 targets six industries: health, fire and rescue, education, transport, border security, and nuclear decommissioning and waste.

- Ministers define 'Minimum Service Levels' (MSLs) in regulations (many not published yet). Levels vary – up to 100%!
- Employers *can* issue 'work notices' naming workers required to work on strike days
- If named workers strike, their action is unlawful
- If a union fails to encourage named members to work on strike days, the whole strike becomes unlawful



# 5) Union responses

- TUC 9 December [statement](#) says unions will refuse to tell members to cross a picket line, but also talks of ‘innovative’ actions – avoiding work notices?
- 5000 on TUC demo in Cheltenham.
- PCS court case over border security staff.
- ‘Pledges’ from some devolved governments, mayors and council leaders not to issue work notices.
- Hoping Labour will repeal *the latest* anti-union laws.
- No serious political or organisational preparations for workplace action in response to work notices.
- ASLEF success in forcing LNER to withdraw threat of work notices by calling additional strike days – but is that replicable?
- RMT leaders talking about sick-outs.

# 6) What can we do?

Anti-strike laws threaten both individuals (discipline/dismissal) and the union apparatus (injunctions). We should learn from industries where unlawful action already common.



1. Strengthen organisation in every workplace
2. Build traditions of solidarity – including with unofficial action
3. Strengthen rank-and-file networks 
4. Organise meetings for workers and activists to educate ourselves about the legislation and discuss defiance
5. Write to employers demanding a commitment not to issue work notices
6. Support Strike Map's campaign targeting local authorities: [bit.ly/DefendTheRight](https://bit.ly/DefendTheRight) 
7. Pressure our unions to implement their policy of refusing to tell members to cross picket lines by refusing to 'take reasonable steps' to ensure compliance with work notices

Model motion: <https://troublemakersat.work/msl-motion/>

More in <https://workers-can-win.info/2023/resisting-the-strikes-minimum-service-levels-act/>