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PCS inflicts High Court defeat on government over strike-breaking

Court rules it is unlawful to bring in agency workers to cover industrial action

PCS, alongside a range of other trade unions, has inflicted a major defeat on the government in the High Court over its legislation to allow agency workers to strike break.

Last summer, the government introduced legislation that allowed employers to bring in agency workers to cover industrial action. PCS, alongside ASLEF, BFAWU, FDA, GMB, NASUWT, NEU, NUJ, POA, PCS, RMT, Unison, Unite and Usdaw, challenged the legislation by way of judicial review.

This morning, The High Court ruled that the then Secretary of State for Business, Energy and Industrial Strategy failed to consult unions, as required by the Employment Agencies Act 1973.

The High Court quashed the legislative changes. In a damning judgement, the High Court ruled the government's approach was “....so unfair as to be unlawful and, indeed, irrational.”

The court went on to say that the approach of the government “....was to commit to the revocation....at a time when the advice....was that it would be of negligible short-term benefit and probably be counterproductive.”

PCS general secretary Mark Serwotka said: "This latest verdict by the High Court is a further litigation victory for PCS against the government and a further indication of how they are prepared to ignore the law to pursue their war against workers.

“It was obvious from the outset that the government had failed to fulfil its obligations on consultation. Instead of accepting that and following a proper process, they chose to double down and waste taxpayers’ money on defending the indefensible.

“This legislation has been condemned almost universally, including by employer organisations who warned that it would worsen industrial disputes. The government refused to listen.

“PCS will continue to defend the right of our members to withdraw their labour when they are treated unfairly and we will not have their sacrifice undermined by these unscrupulous tactics.

“Our members carry out very important jobs and it is contemptuous of the government to believe they can draft in unskilled and untrained cover to do them.

“Within the last 10 years, PCS has now won eight judicial reviews against the government in the High Court and one in the Court of Appeal. That track record is a clear indication that we will leave no stone unturned in order to defend our members interests and it is a damning indictment of this government's willingness to ignore the law.”