

13 July 2023

PCS wins victory in High Court over strike-breaking legislation

PCS, with 13 other trade unions, has inflicted a major defeat on the government in the High Court over bringing agency workers in to cover strike action.

In 2022, the government introduced legislation that allowed employers to bring in agency workers to cover industrial action. PCS and 13 other unions challenged the legislation and this morning (13), 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 changes. In a damning judgement, the High Court ruled the government's approach was “....so unfair as to be unlawful and, indeed, irrational.”

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.

“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.”