

10 December 2023

Minimum Service Levels are an attack on human rights

Trade union rights are human rights. On the International Day of Human Rights today (10), we look at the government's latest attack on these freedoms.

In the king's speech on 7 November 2023, the government promised to rush through laws which [would effectively criminalise strike action for thousands of our Home Office members](#), including border security staff and an unknown number of workers in the Passport Office.

Even though the UK already has the most restrictive trade union laws in Western Europe, The Minimum Service Levels Act would limit the impact of a strike by forcing workers to maintain a level of service through the use of minimum service levels (MSLs).

The proposed laws say that when workers lawfully vote to strike in certain sectors, including health, education, transport and border security, they could be forced to attend work – and sacked if they do not comply.

These anti-strike laws are an authoritarian crackdown on the human right to take industrial action, which is protected under UK and international law. The potential breaches of the UK's international legal obligations include:

- Article 11 of the European Convention on Human Rights
- Article 3 of Convention 87 (Freedom of Association and the Right to Organise) of the International Labour Organisation (ILO)
- Article 8 of the International Covenant on Economic, Social and Cultural Rights
- Article 6(4) of the European Social Charter 1961.

For example, when the Minimum Services Bill was first brought before parliament, the Joint Committee on Human Rights found several potential interferences with Article 11 of the European Convention on Human Rights.

These included the requirement for trade unions to take “reasonable steps” to ensure their members comply with a work notice issued by an employer as well as the exposure of any striking worker to the risk of dismissal.

Trade union rights are human rights

Trade unionists have always been at the forefront of the modern struggle for human rights. The right to form and join trade unions, to collectively bargain and to strike are universal human rights – protected in domestic and international law.

Throughout history, trade unionists have been targeted by governments for their commitment to these rights. These abuses have ranged from restrictive legislation like minimum service levels all the way to the violent repression and even murder of trade unionists who dare fight for justice and fairness.

For example, Colombia is the world’s most violent country for trade unionists. A study by the country’s ENS trade union organisation found that more than 3,200 were murdered from 1971 to 2018. According to the International Trade Union Confederation, 13 trade unionists alone were killed in the country between April 2021 and March 2022.

That is where international solidarity comes in. When trade union and human rights are at stake overseas, PCS defends these rights. When workers cannot organise in defence of their interests, our fundamental human rights are violated.

That is why we give our support to trade unions and worker movements everywhere struggling against oppression, from Palestine to Ukraine.

Attack on our members’ human rights

Closer to home, our right to strike is under attack.

If the government gets its way, they will have the power to implement minimum service levels by Christmas.

As our [Home Group vice-president points out](#), our members would have been prevented from taking strike action and winning significant concessions on pay in addition to a cost-of-living payment if these laws were in place in 2023.

That is why PCS is working with other unions and the TUC to stand together against this vindictive attempt to stop workers from winning strikes following 18 months of large-scale industrial unrest.