

26 September 2024

Strike breaking legislation to be repealed following PCS campaign

Group secretary Mike Jones on scrapping the Strikes (Minimum Service Levels) Act 2023.

The Strikes (Minimum Service Levels) Act came into force in July 2023. It was designed to introduce regulations specifying minimum service levels for public services, including members in Border Force.

Effectively giving employers the ability to force staff to attend work on a strike day, even when covered by a legal ballot, PCS would be legally bound to tell members to break the strike or face massive fines with members potentially sacked for striking, making the strikes ineffectual.

PCS and other unions campaigned against the legislation, HO group vice president Pete Wright, and Trevor Harris from PCS Home Office GEC spoke at a TUC special congress, and the national rally, in Cheltenham alongside general secretaries of all the main trade unions. PCS also launched a judicial review on behalf of members in Border Force to combat the new law, focussing on compatibility with the right to freedom of assembly and association under Article 11 of the ECHR.

Despite this draconian law, members in Border Force have been balloted and taken strike action and the Home Office have chosen not to serve a work notice to try to break the strikes.

In August, the MP for Migration & Citizenship Seema Malhotra, wrote to PCS Home Office group, outlining the government's decision to repeal the offending legislation for the same reasons advanced in our claim, that minimum service legislation "unduly restricts the right to strike", effectively adopting the position pleaded by PCS.

While still in place, the government does not expect employers to use it while it looks to scrap the act.

PCS welcomes this move, and it shows further demonstration of our power when challenging bad laws and winning improvements for our members.