

The Update

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The latest news and announcements from Derbyshire UNISON

Anti-union legislation

The government's Strike (Minimum Service Levels) Bill is a full-frontal attack on working people and the trade unions they organise within



Three things you need to know about the anti-strike bill

The UK is seeing record levels of strike action as ambulance workers, nurses, transport workers and teachers take a stand against the crisis in our public services.

Yet, rather than engaging with the people who keep our country running, or finding solutions to staffing shortages and waiting lists, the government is intent on punishing frontline workers when they speak out.

UNISON believes that the new anti-strike bill, named the Strikes (Minimum Service Levels) Bill, is a full-frontal attack on working people and the trade unions they organise within. It seeks to drastically curtail labour rights in the Great Britain and allows employers to sack the very

people on whose hard work and goodwill our public services depend.

General secretary Christina McAnea said:

“UNISON members want the government to focus its efforts on fixing the pay crisis and solving the legitimate disputes that have led to recent strike action. Only then will the crises in our public services start to be solved.

“Instead, the government is attacking workers and

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making it even harder for them to win fair pay.”

Here are the three things all UNISON members need to know about this new legislation, which began its journey through parliament on 16 January:

Minimum service levels

The bill will grant the government powers to set ‘minimum service levels’ for six key public services: health; fire and rescue; education; transport; decommissioning of nuclear installations and management of radioactive waste and spent fuel; and border security.

There is no detail on the limit to these ‘service levels’ – the power to set this is given to the government, who may introduce legislation that imposes the restrictions without agreement with unions who represent the key workers affected.

Based on these levels, the government intends to force some people who have democratically and legally voted for strike action to go into work on strike days.

It raises serious concerns about forcing workers to attend work against their will.

This undermines existing ‘life and limb’ provisions that are already in place during strike action, which exempt certain categories of staff from strikes where there may otherwise be a direct danger to any person.

During the current ambulance workers’ strikes, emergency cover provisions are already in place. These are drawn up by each ambulance trust through negotiations with unions, and benefit from the experience and expertise of local union representatives and local managers who have a detailed understanding of the day-to-day operational needs of their services.

Minimum service levels form the foundation of two new strike-breaking tools: work notices and a removal of the existing statutory protections for unions and workers.

Work notices

The bill will hand a new strike-breaking tool to employers: work notices.

If workers in any one of the six listed public services have voted for industrial action, the

employer would have a right to serve the union with a ‘work notice’ specifying the number of people required to work, and the work to be performed during the strike in order to meet the ‘minimum service level’ imposed by the government.

The bill requires the employer to send work notices seven days before the strike action, but this can be shortened to four days in some circumstances. This means there will be virtually no time for meaningful discussions on what has been proposed before the relevant strike dates.

Once the work notice is served to the union, the union is mandated to take ‘reasonable steps’ to ensure all union members comply with the notice.

No one knows what this will mean in practice, as the bill does not explain any detail about this. The bill says the union can be sued if the employer believes it has not taken those ‘reasonable steps’.

Ultimately, the union is forced to break its own strike.

Removal of protection for striking workers

If a work notice requires that an employee works during a strike, they could be sacked if they refuse.

This is because the bill removes key protections from individual workers exercising their rights to strike. Frontline workers will face dismissal for taking part in lawful industrial action.

For decades, the 1992 Trade Union and Labour Relations (Consolidation) Act has protected trade unions and employees if strikes are called, ensuring that employers can’t penalise workers who break their contracts of employment to take industrial action. The bill will amend this legislation to remove workers’ protections in two ways:

Firstly, the bill creates enormous risks for a union planning to take industrial action within the very wide range of ‘relevant services’ mentioned. Unions could lose immunity from claims by an employer if it fails to take ‘reasonable steps’ to force its members to comply with a work notice, meaning it could

be liable for up to £1 million for losses caused if the affected members ignore the work notice and take action.

Secondly, the bill removes the statutory rights of its members against unfair dismissal for those taking part in the industrial action, meaning that an employer could dismiss all striking workers who fail to comply with a work notice.

This will affect huge numbers of UNISON members working in health, fire and rescue services, education and transport.

Furthermore, it makes unions financially liable unless they attempt to force striking workers to go to work, which will have a chilling effect on the ability of trade unions and their members to exercise their right to withdraw their labour.

The right to withdraw labour has historically been proven to be workers' most powerful tool to improve their conditions of employment, and the new legislation flies in the face of human rights and international labour standards.

The greatest workforce crisis in history

Last July, the House of Commons Health and Social Care Committee reported that the NHS and social care faced "the greatest workforce crisis in their history, compounded by the absence of a credible government strategy to tackle the situation."

Christina McAnea added:

"The government is trying to introduce legislation that's only concerned with safety in our public services during strike days, while refusing to implement minimum safe staffing levels for every other day. It's our union that relentlessly campaigns for better public services every day of the year, and we always negotiate 'life and limb' emergency cover during strikes.

"The wave of industrial action in the UK is a consequence of government failure, but it does give them an opportunity to fix things. They can do that by talking to unions, respecting the workforce, and resolving disputes by delivering fair pay,

not wasting time on political stunts."

The patient safety justifications used by the government for this bill also contradict arguments they themselves made a few months ago. In November 2022, in its memorandum on the ECHR implications of the Transport Strikes (Minimum Service Levels) Bill argued that minimum service levels were not necessary in sectors such as health or the fire and rescue service.

UNISON assistant general secretary Jon Richards said:

"Fast-tracking a bill that gives all powers to the government and infringes workers' rights, undermines democracy and doesn't allow proper oversight by Parliament.

"The limited time for scrutiny will further undermine the public's trust in the ability and willingness of this Government to operate in a fair, balanced and transparent manner.

"Rather than rushing this bill through, ministers should focus on addressing the crises in services faced by public servants."

UNISON is calling on MPs to reject these irresponsible and draconian proposals and legislate to improve workers' rights, not damage them.

The TUC has launched a petition demanding the right to strike is protected, [add your name here.](#)