

Free Our Unions

The passing of the Tories' Strikes (Minimum Service Levels) Act is a major new shackle on our right to strike, already heavily restricted.

What the law says

The new law allows the government to set a "minimum service level" in six industrial areas (health; fire and rescue; education; transport; nuclear decommissioning and radioactive waste management; border security). In the event of a strike, employers in the sector can issue a "work notice" compelling workers to work in order to provide the government-stipulated "minimum service." The law states that employers should consult with unions when drawing up work notices, rendering unions administrators of scabbing.

Once a work notice has been issued, unions must "take reasonable steps to ensure that all members of the union who are identified in the work notice comply with the notice". If they fail to take such steps, any strike is no longer legally "protected", meaning individual workers could be subject to dismissal and unions can be liable for damages. It is likely employers could seek high-court injunctions against strikes in such circumstances.

What we can do

Free Our Unions believes our trade unions must resist these restrictions by:

Campaigning to demand employers refuse to issue work notices

Humza Yousaf, the SNP First Minister of Scotland, has already said that the Scottish Government will "never issue or enforce" a work notice. Unions must demand other employers, especially local authorities, make the same commitment. A council refusing to issue work notices could render the law ineffective with regard to strikes in LEA-controlled schools, and in transport services administered by local government.

Wider political campaigning, including a national demonstration

If the Trades Union Congress won't call a national demonstration, unions that have policy supporting one – such as RMT, FBU, PCS, and others – should collaborate to call it.

Preparing direct defiance

We cannot rely on the law being inoperable, or assume it can be sabotaged by tactics such as coordinated "sick-outs". Such tactics may be useful in specific workplaces, but to really make the law unworkable we need to break it. Unions must refuse to take any action to ensure "that all members of the union who are identified in the work notice comply with the notice." They must support workers named in work notices in joining strikes in defiance of the notice, and be prepared to take further action, including both legal and industrial action, to defend any members disciplined or dismissed for such defiance.

Defiance of the law is not something to be called for lightly, and will not be easy to organise. Workers will be cautious about taking action that could risk our jobs. The only way to mitigate that risk is to take such action en masse, rather than in small groups which could see individual workers picked off and sacked.

Our unions are large, bureaucratic institutions with staff and property portfolios that union officers are in some sense “custodians” of. Many will be reluctant to put trade unions, as institutions, at risk of financial losses. But the alternative – complying with a law that forces unions to scab-herd – is the road to terminal decline for unions.

The FBU has rightly called for a labour-movement emergency conference to discuss our response to the passing of the law, as well as for a “mass campaign of non-compliance.” We need to discuss how we build the confidence necessary to defy the law from the workplace up.

Placing demands on Labour

It is highly likely Labour will replace the Tories at the next election. The Labour leadership has said it opposes the law and will repeal it, but without sustained pressure this pledge could be junked like others have been.

Unions must demand Labour repeals this and all legal restrictions on our right to strike.

Pass this motion!

This [branch, Trades Council, etc.] notes the passing of the Strikes (Minimum Service Levels) Act. This represents a further restriction on our already constrained right to strike.

This branch endorses the Fire Brigade Union’s call for a “mass campaign of non-compliance”, a national demonstration to demand the repeal of the law, and an emergency labour-movement conference to discuss and organise defiance.

This branch believes our movement must resist this, and existing anti-strike laws, by:

- Campaigning to demand employers, especially Labour authorities, commit to refusing to issue work notices
- Preparing direct defiance, including refusing to instruct members to comply with work notices
- [For Labour-affiliated unions: demand the Labour leadership commits to repealing this law]

This branch resolves to:

- Organise a public meeting, in collaborations with other branches and Trades Councils, to organise opposition to the law
- Support the work of the Free Our Unions campaign
- Submit this motion to [appropriate regional/national body] and request that our union contacts other unions to organise a national demonstration and labour-movement conference to discuss resistance to the law



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