

27 January 2024

# **PCS to legally challenge government over anti-strike laws**

PCS is to launch a judicial review against the government's minimum service laws, PCS general secretary Mark Serwotka announced today (27) at a rally in Cheltenham.

At today's joint PCS/TUC march and rally in Cheltenham to mark the 40th anniversary of the ban on trade union membership at GCHQ, PCS general secretary Mark Serwotka announced that PCS will use the Human Rights Act to challenge the Strikes (Minimum Service Levels) Act 2023.

As well as [commemorating the GCHQ workers' victory](#), today's march and rally were called to recommit the labour movement to defiant opposition to minimum service levels, trade union restrictions and any threat to the right to strike.

Mark announced that PCS has put the government on notice that it will launch a judicial review against its minimum service laws on the grounds that proposed strike restrictions in the Border Force contravene the right to strike enshrined in Article 11 of the European Convention on Human Rights.

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.

The laws say that when workers lawfully vote to strike, they could be forced to attend work – and sacked if they do not comply.

A [historic TUC conference took place on 9 December 2023 to respond to the government's plans to implement these strict anti-strike restrictions](#), 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.

The congress voted unanimously to resist and mobilise against minimum service levels, pledging to march through Cheltenham on 27 January for the 40th anniversary of GCHQ union ban, to call an urgent demonstration and provide support in the event that a union or worker is sanctioned by these laws, and to mount legal challenges.

Mark Serwotka said: “Forty years on from Margaret Thatcher banning unions at GCHQ, a Conservative government is once again attacking trade unions.

“So it’s fitting today, as we mark the courage and determination of those workers who refused to hand in their trade union membership, that I can tell you we will be fighting this new injustice in the courts.

“It is a fundamental human right of any worker to withdraw their labour to protect their terms and one we shall defend on behalf of our members in the Border Force.”

The union is being represented by Thompsons Solicitors, for whom partner Neil Todd said: “Minimum service levels are very difficult to justify in a legal regime which is already so restrictive when it comes to trade union rights.

“The Border Security Minimum Service Regulations provide an unlimited freedom to undermine the right to strike, which we contend is unlawful as it exceeds powers under the Strikes Act. The government have been given 14 days to respond to our letter”.

Read more about [how these anti-strike laws are an authoritarian crackdown on the human right to take industrial action](#), which is protected under UK and international law.