

22 February 2024

Why and how PCS is opposing minimum service levels

How minimum service levels might affect PCS members and why the union is legally challenging these anti-strike restrictions.

In the king's speech on 7 November 2023, the Conservative government promised to rush through laws which would effectively criminalise strike action for thousands of our Home Office members, including border security staff in Border Force and 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 seeks to limit the impact of a strike by forcing workers to maintain a level of service through the use of minimum service levels.

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

The clear implication from these laws is that our Border Force members are not allowed to take action.

As Peter Wright, our Home Group vice-president, has argued, PCS 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.

Judicial review

On 27 January 2024, Mark Serwotka, in his final speech as general secretary of PCS, announced that the union would initiate a legal challenge against the section of the Minimum Service Levels Act that will affect our members in the Border Force.

Speaking at the rally in Cheltenham to [commemorate the 40th anniversary of the union ban at GCHQ](#), Mark announced that PCS 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.

The trade union movement and several MPs have continued to slam these laws not only as potential breaches of international law, but also as a political attack on the democratic right to withdraw labour, and as virtually unworkable in practice.

Read [more about what minimum service levels are](#) as well as [why we are launching a judicial review](#) against these restrictions on the right to strike for our members on the Border Force on PCS Knowledge (login required).