

27 July 2022

PCS in legal challenge over use of agency workers to break strikes

PCS is one of 12 unions bringing a legal challenge to the government's law change which permits businesses to use agency workers to break strikes.

[Thompsons Solicitors yesterday wrote](#) to the business secretary, Kwasi Kwarteng, on behalf of 12 major trade unions coordinated by the TUC, to challenge the regulations introduced last week permitting the use of agency workers during industrial action.

The 12 unions involved are PCS, Unite, USDAW, BFAWU, UCU, RMT, ASLEF, FDA, NEU, POA, BALPA and the GMB.

PCS General Secretary Mark Serwotka said: "We shall fight any attacks on the right for trade unions to organise effectively. Strike action is never taken lightly but this government has an arrogant disregard for public sector workers, as seen by the derisory pay offers they have made to men and women who keep this country running.

"The Tory leadership candidates proudly boast about wanting to clamp down even harder on the ability of workers to strike, but PCS and our public sector colleagues will challenge them with all the means at our disposal."

[The pre-action judicial review claim letter](#) to the Tory minister, explains that the new regulations are a violation of Article 11 of the European Convention on Human Rights. It also explains that the new regulations violate the EU-UK Trade and Cooperation Agreement, which commits the UK to respecting, promoting and implementing internationally recognised core labour standards, including those relating to freedom of association and the recognition of the right to collective bargaining.

The letter also argues that the business secretary has failed to discharge the obligation to consult as required by the Employment Agencies Act 1973.

The senior Conservative has 14 days to respond before a judicial claim is filed.