
Report To:	Inverclyde Council	Date:	16 February 2023
Report By:	Head of Legal & Democratic Services	Report No:	LS/021/23
Contact Officer:	Diane Sweeney	Contact No:	01475 712147
Subject:	The Strikes (Minimum Service Levels) Bill – Notice of Motion by Councillor Jackson		

1.0 PURPOSE AND CONSIDERATIONS

- 1.1 For Decision For Information/Noting
- 1.2 The purpose of this report is to advise the Council of the receipt of a Notice of Motion by Councillor Jackson, countersigned by Councillor Clocherty, relative to The Strikes (Minimum Service Levels) Bill.
- 1.3 The terms of the Notice of Motion are set out in appendix 1 to the report.

2.0 RECOMMENDATION

- 2.1 The Council is asked to consider the Notice of Motion by Councillor Jackson.

Iain Strachan
Head of Legal & Democratic Services

Appendix 1

Preamble

The Strikes (Minimum Service Levels) Bill, should it become law in its current form, will give employers in vital sectors the power to sack frontline staff, giving the UK government legislative authority to deny workers what is universally regarded as a fundamental human right, the right to withdraw their labour.

Employers will have the unilateral right to issue a “work notice” identifying individual workers required to work to maintain minimum service. The Bill provides statutory provision enabling certain employers with the authority of the State to requisition workers. A worker who refuses to comply will lose automatic unfair dismissal protection if they are dismissed.

The UK government is therefore seeking to change the law to authorise certain employers to do what no court in this country can do. Under the Trade Union and Labour Relations (Consolidation) Act 1992, section 236, no court can “compel an employee to do any work or attend at any place for the doing of any work”.

Having notified the union of the identity of the workers to be compelled to work, the Bill would then deny workers their automatic protection from unfair dismissal if the union fails to take reasonable steps to ensure all members identified in the work notice “comply”.

The purpose of this new legislation is to weaken the power of workers and increase the power of employers. In the absence of an effective right to strike, pay and terms and conditions are set by employers without the input of workers.

The UK government are trying to justify the Bill by claiming that minimum service levels are authorised by the International Labour Organisation.

The UK’s international legal obligations include Article 11 of the European Convention on Human Rights; Article 3 of Convention 87 of the International Labour Organisation; Article 8 of the International Covenant on Economic, Social and Cultural Rights; and Article 6(4) of the European Social Charter 1961. The UK government reaffirmed its commitment to several such treaties in the EU-UK Trade and Cooperation Agreement 2021.

Motion

1. That Inverclyde Council as an employer will, in accordance with the law, continue to respect the human rights of all workers to take strike action and support their right to do so.
2. That Inverclyde Council strongly objects to the Strikes (Minimum Service Levels) Bill, which seeks to undermine the rights of workers and trade unions, and agrees that the Chief Executive write to the Prime Minister and the Secretary of State for Business, Energy and Industrial Strategy calling on them to withdraw the Bill.

Proposed: Councillor Jackson

Seconded: Councillor Clocherty