

What is the proposed anti-strike bill?



Many media outlets are reporting that Wednesday 1 February will be the largest scale strike day in over a decade, with professionals from seven different unions expected to strike. This includes teachers, train drivers, civil servants and university lecturers. The TUC have called it 'National Right to Strike Day' and say events will take place across the country against the proposed anti-strike legislation.

What impact will the proposed anti-strike bill have?

Assuming the bill is passed putting limits on the right to strike, we expect changes to the current text as it will have been hotly debated and sections opposed. The key concerns for businesses will be which sectors the legislation is intended to reduce striking – of the current categories, transport, health and education are pretty broad. There's also a lack of clarity on what the minimum level of service will be so it's difficult for the employees and organisations to know who will be covered and what level of service they will provide. This makes it difficult for many employers to have certainty and going forward, it could mean that if they seek a court order to prevent the strike or compensation, they won't be successful.

What is the position now?

Employees who have voted to strike in a proper ballot, cannot be prevented from striking. Their employers will get advanced notice but they cannot oblige staff to work. Dismissing staff for failing to work will risk an unfair dismissal claim and compensation. Most importantly, it would deplete the employer's pool of staff to provide the service as staff that cover and agency staff can't fill all the gaps. When there are already high vacancy levels, employers need to try to resolve the underlying issues and consider the legal and practical implications carefully before dismissing staff.



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