



THE UNIQUE NATURE OF MILITARY SERVICE

The Armed Forces exist to use military force to achieve a political objective. **It is that function which distinguishes them from all other occupations.** This places unique demands on Service personnel and calls for an organisation which can compel its members to put their lives at risk and to take the lives of others, if the military situation requires. This in turn demands a **unique liability and sacrifice** and therefore **Armed Forces personnel necessarily forego some rights, freedoms and protections enjoyed by civilian society.**

In return it is the duty of Government to give the Armed Forces terms and conditions of service that are demonstrably fair and appropriate to their unique status. **This is a mutual obligation and it forms the basis of the Military Covenant**, which is an unbreakable bond of identity, loyalty and responsibility between the nation and those serving in its Armed Forces. In addition to the cultural context, there are a number of specific legal provisions, underpinned by statute, which affect military personnel, who are subject to Service law in addition to civilian law. They include:

- Liability to implement Government policy anywhere, at any time, at no notice, regardless of personal circumstances or individual wishes.
- Possibility of being sentenced to military detention or prison for refusing to obey a lawful order or not turning up for work.
- Liability of being recalled to military service (and sent to war) after formal retirement from the Armed Forces and transfer to civilian status.
- No right to overtime pay and liable to certain limited exemptions from working time directive legislation.
- Not enjoying the protection provided by certain aspects of equal opportunities legislation (examples being age and disability discrimination).
- Not enjoying the protection provided by certain aspects of health & safety legislation and minimum wage legislation.
- No right of access to an employment tribunal on grounds of unfair or constructive dismissal or breach of contract generally. Engagements in military service are voluntary but only on the part of the Crown and give no occasion for action in respect of any alleged contract.
- No right to have a formally constituted independent professional association to safeguard individuals' interests, thus requiring Service men and women to rely wholly on their chain of command to represent all welfare and employment matters.
- No right to take an active part in the affairs of any political organisation, party or movement, or to take part in political marches or demonstrations or to stand for Parliament.

The Armed Forces do not demand privileged status, but expect to be treated as a special group within the public sector to reflect the **Unique Nature of Military Service.**

COBSEO

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