

Strikes (Minimum Service Levels) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The Schedule

LORD COLLINS OF Highbury
BARONESS O'GRADY OF UPPER Holloway

Page 3, line 15, leave out “even if” and insert “unless”

Member’s explanatory statement

The amendment seeks to stop regulations under this Bill from being applied to strikes which have already been balloted for.

Page 3, leave out line 25

Member’s explanatory statement

This amendment would remove “health services” from the Bill.

Page 3, line 25, at end insert “except nurses, doctors, paramedics, ambulance support workers, veterinary services, community health services, pharmacists, mental health services, sexual health services, speech and language therapy services, dental services and transportation of medical supplies services”

Member’s explanatory statement

This amendment would exempt various occupations and sub-sectors of the health sector from the regulations in the Bill.

Page 3, leave out line 26

Member’s explanatory statement

This amendment would remove “fire and rescue services” from the Bill.

Page 3, leave out line 27

Member’s explanatory statement

This amendment would remove “education services” from the Bill.

Page 3, line 27, at end insert “except primary schools, secondary schools, further education colleges, universities, contracted school transportation, private schools and academies”

Member’s explanatory statement

This amendment would exempt various occupations and sub-sectors of the education sector from the regulations under the Bill.

Page 3, leave out line 28

Member’s explanatory statement

This amendment would remove “transport services” from the Bill.

Page 3, line 28, at end insert “except aviation services, airline services, airport services, airport fire services, car delivery services, road haulage services, parcel delivery services, bus services, tram services, rail infrastructure, rail engineering ferry and waterway services, seafarers, and dock services”

Member’s explanatory statement

This amendment would exempt various occupations and sub-sectors of the transport sector from the regulations under the Bill.

Page 3, leave out lines 29 and 30

Member’s explanatory statement

This amendment would remove “decommissioning of nuclear installations and management of radioactive waste and spent fuel” from the Bill.

Page 3, leave out line 31

Member’s explanatory statement

This amendment would remove “border security” from the Bill.

Page 3, line 31, at end insert –

- “(5) The Secretary of State may not make any regulations under this section until a Minister of the Crown has laid before each House of Parliament assessments outlining the impacts of the Strikes (Minimum Service Levels) Act 2023 on –
- (a) workforce numbers,
 - (b) individual workers,
 - (c) employers,
 - (d) trade unions, and
 - (e) equalities.”

Member’s explanatory statement

This amendment would require the Government to publish assessments of how the proposed legislation would impact on workforce numbers, individual workers, equalities, employers and trade unions before the Bill comes into operation.

Page 3, line 31, at end insert –

“234BA Power to specify minimum service levels: health and safety

- (1) Minimum service regulations must take into account the levels of service provided in the relevant service in periods when that service is not affected by strikes.
- (2) Before making any regulations under section 234B, the Secretary of State must lay before each House of Parliament an assessment of the level of service provided within the relevant specified category over the most recent period of 12 months for which data is available.
- (3) The assessment under subsection (2) must include an analysis of performance in relation to health and safety standards applicable to the relevant service.
- (4) The Secretary of State must give priority in making regulations under section 234B to maintaining health and safety standards during a strike which are no lower than the relevant applicable standards in the specified service.”

Member’s explanatory statement

This amendment would require the Government to assess health and safety performance in the affected sector before making minimum service regulations.

Page 3, line 34, after second “a” insert “recognised”

Member’s explanatory statement

Restricts the giving of work notices to trade unions which are recognised (either by an employer or statutorily).

Page 4, line 21, at end insert “and no person may be identified in one or more work notices where the effect would be that they would be prevented from taking part in industrial action on fifty per cent or more of the days included in the notice referred to in subsection (1)(a)”

Member’s explanatory statement

This amendment is intended to ensure that specific workers cannot be prevented from striking by this Bill.

Page 4, line 21, at end insert “or have the effect of preventing any one person taking part in protected industrial action”

Page 4, line 25, leave out from “must” to end of line 28 and insert “take reasonable steps to reach agreement”

Member’s explanatory statement

This amendment aims to ensure that minimum service levels are reached by negotiation between employers and trade unions.

Page 4, leave out line 28 and insert –

- “(b) take into account the views expressed by the trade union with a view to reaching agreement with the union.”

Member's explanatory statement

This amendment is intended to promote good faith engagement between the employer and trade union when consulting over work notices.

Page 4, line 34, leave out from “must” to end of line 37 and insert “take reasonable steps to reach agreement”

Member's explanatory statement

This amendment aims to ensure that minimum service levels are reached by negotiation between employers and trade unions.

Page 4, leave out line 37 and insert –

“(b) take into account the views expressed by the trade union with a view to reaching agreement with the union.”

Member's explanatory statement

This amendment is intended to promote good faith engagement between the employer and trade union when consulting over work notices.

Page 5, line 17, leave out “comply with” and insert “are aware of”

Member's explanatory statement

This amendment would ensure that the trade union's legal duty is restricted to making its members aware of the content of the work notice.

Page 5, line 22, at end insert –

“(3) Peaceful picketing within the meaning of section 220 of this Act may not be regarded as an act done by the union to induce a person to take part, or to continue to take part, in the strike, for the purposes of subsection (1).”

Member's explanatory statement

The intention of this amendment is avoid picketing alone being a cause for a claim against the union under the Act on the basis that this was inducing an identified person to take part in the strike.

Page 5, line 23, at end insert –

“(A1) Before making regulations under section 234B the Secretary of State must receive a report on minimum services in the affected sector from the relevant House of Commons select committee.

(A2) For the purpose of subsection (A1), “relevant House of Commons select committee” means –

(a) House of Commons Home Affairs Committee for regulations affecting fire and rescue services, and border security as set out in subsection 234B(4);

(b) House of Commons Education Committee for regulations affecting education services as set out in subsection 234B(4);

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- (c) House of Commons Transport Committee for regulations affecting transport services as set out in subsection 234B(4);
 - (d) House of Commons Health and Social Care Committee for regulations affecting health services as set out in subsection 234B(4);
 - (e) House of Commons Business, Energy and Industrial Strategy Committee for regulations affecting decommissioning of nuclear installations and management of radioactive waste and spent fuel as set out in subsection 234B(4).
- (A3) The Speaker of the House of Commons may determine in a case of any doubt the relevant successor of any committee mentioned in subsection (A2).”

Member’s explanatory statement

This amendment would require that regulations could not be made for a particular sector before the relevant Commons Select Committee publishes a report on how the Act will impact on that sector.

Page 5, line 25, leave out “such persons as the Secretary of State considers appropriate” and insert “–

- (a) trade unions in each affected sector,
- (b) employers in each affected sector,
- (c) relevant Government Departments for each affected sector, and
- (d) relevant Parliamentary Select Committees for each affected sector.”

Member’s explanatory statement

The intention of this amendment is to require that the Government consults with a range of stakeholders for each affected sector before making regulations, including relevant trade unions, employers, Government Departments and Select Committees.

Page 5, line 40, at end insert –

- “(6) Any consultation carried out under this section must be published within the period of six weeks beginning with the day on which this Act is passed.”

Member’s explanatory statement

The intention of this amendment is to require that the Government makes public any and all consultations.

Page 6, line 29, leave out paragraphs 6 to 10

Member’s explanatory statement

This amendment would preserve existing protections from unfair dismissal, including for an employee who participates in a strike contrary to a work notice under this Bill.

Clause 3

LORD COLLINS OF Highbury
BARONESS O'GRADY OF UPPER Holloway

Page 1, line 16, leave out subsections (2) and (3)

Member's explanatory statement

This amendment would remove the Secretary of State's powers to amend, repeal or revoke primary legislation, through regulations.

Page 1, line 19, leave out paragraph (b)

Member's explanatory statement

This amendment would remove the Secretary of State's powers to bring in regulations to amend, repeal or revoke primary legislation that is passed later in the same session of Parliament as this Act.

Page 2, line 5, leave out from "section" to end of line 7 and insert "may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament"

Member's explanatory statement

This amendment would ensure that any regulations made under Clause 3 must be made under the affirmative resolution procedure.

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