

Strikes (Minimum Service Levels) Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

The Schedule

LORD COLLINS OF Highbury
BARONESS O'GRADY OF UPPER Holloway

Page 4, line 40, at end insert –

“234CA Interaction with the Trade and Cooperation Agreement

- (1) The Secretary of State may not make regulations under section 234B affecting any provision of UK law –
 - (a) which is within the scope of labour and social levels of protection within the meaning of Article 386 of the Trade and Cooperation Agreement, or
 - (b) the effect or purpose of which is, directly or indirectly –
 - (i) to respect, promote or implement any of the “internationally recognised core labour standards” as set out in Article 399(2) of the UK/EU Trade and Cooperation Agreement 2021, or
 - (ii) to implement any Convention of the International Labour Organization ratified by the United Kingdom or any provision of the European Social Charter 1961 accepted by the United Kingdom, as provided for in Article 399(5) of the Trade and Cooperation Agreement.
- (2) In this section the “Trade and Cooperation Agreement” has the meaning given by section 37 of the European Union (Future Relationship) Act 2020.”

Member’s explanatory statement

This amendment prevents regulations made as a result of the Bill’s provisions from conflicting with protections in the UK/EU Trade and Cooperation Agreement.

LORD HENDY

Page 5, line 26, at end insert—

“(1A) Before making regulations under section 234B the Secretary of State must lay before each House of Parliament, at least 28 days before the regulations are intended to be made, a draft of the regulations with an accompanying explanatory memorandum setting out—

- (a) all factors taken into account in determining each minimum service level specified in the regulations, and
- (b) the minimum service level in respect of any sector or sub-sector to which the regulations are to apply.”

Member’s explanatory statement

This amendment is intended to address paragraphs 17-23 of the Report of the Delegated Powers and Regulatory Reform Committee (27th Report of Session 1022-23, 2 March 2023).

LORD COLLINS OF HIGHBURY
BARONESS O’GRADY OF UPPER HOLLOWAY

Page 5, line 26, at end insert—

“(1A) At least one month before making regulations under section 234B, the Secretary of State must publish indicative minimum service levels for any service that the regulations will provide for.”

Member’s explanatory statement

Requires indicative minimum service levels for any service to be set out before regulations can be made for that service.

LORD HENDY

Page 5, line 33, at end insert—

“(3A) Regulations under section 234B are to be made only if—

- (a) the Secretary of State reasonably believes them to be necessary to protect the life, personal safety or health of the whole or part of the population, and
- (b) each minimum service level specified in the regulations—
 - (i) is restricted to such levels of service as are reasonably necessary to provide protection for the life, personal safety or health of the whole or part of the population,
 - (ii) does not provide for levels of service which are greater than those necessary to satisfy the basic needs of the population, and
 - (iii) does not render ineffective any strike it affects.”

Member’s explanatory statement

This amendment is intended to partially fulfil the conditions required by ILO Convention 87 by providing that minimum service levels are limited to those matters specified by the ILO.

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20 March 2023
