

# Strikes (Minimum Service Levels) Bill

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*The amendments have been marshalled in accordance with the Order of 19th April 2023, as follows –*

Clause 1 Schedule	Clauses 2 to 6 Title
----------------------	-------------------------

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

## **The Schedule**

LORD FOX  
LORD COLLINS OF HIGHBURY

- 1★** Page 3, line 31, at end insert –
- “(5) The powers conferred by this section must not be exercised unless a consultation on the potential impact of their use has been carried out, published, and reviewed by a committee of each House of Parliament whose remit includes either the wider UK workforce and industrial relations, or the sector to which the regulations in question relate.
  - (6) Such consultations must –
    - (a) be carried out by the Secretary of State and involve representatives of any relevant unions, employers and other interested parties,
    - (b) include an assessment of the potential impact of the minimum service regulations on the rights of workers to strike, the effectiveness of the relevant services, and the impact on the wider public,
    - (c) consider services in all categories listed in subsection (4), and
    - (d) include reference to respective service levels outside of strike action.
  - (7) The results of the consultation and the reviews by committees must be published in a report, and the Secretary of State must lay a copy of the report before Parliament.”

**Member's explanatory statement**

*This amendment would require a consultation to be carried out and reviewed before the powers in section 234B can be used.*

LORD CALLANAN

2

Page 4, line 23, leave out from “to” to end of line 24 and insert –

- “(a) whether the person is or is not a member of a trade union,
  - (b) whether the person has or has not –
    - (i) taken part in the activities of a trade union, or
    - (ii) made use of services made available to the person by a trade union by virtue of the person’s membership of the union, or
  - (c) whether or not –
    - (i) a matter has been raised on the person’s behalf (with or without the person’s consent), or
    - (ii) the person has consented to the raising of a matter on the person’s behalf,
 by a trade union of which the person is a member.
- (6A) In subsection (6) “a trade union” includes –
- (a) a particular trade union, and
  - (b) a particular branch or section of a particular trade union.”

**Member's explanatory statement**

*This amendment provides for additional matters that an employer must not have regard to in deciding whether to identify a person in a work notice.*

LORD THOMAS OF CWMGIEDD

LORD ALLAN OF HALLAM

3

Page 4, line 40, at end insert –

**“234CA Work notices: further provision**

- (1) In the event that the Secretary of State makes minimum service regulations under section 234B –
  - (a) no obligation is imposed on any employer to give a work notice under section 234C;
  - (b) no person may direct any employer to give a work notice under section 234C.
- (2) If an employer determines that they will not give a work notice under section 234C –
  - (a) no liability whatsoever shall attach to the employer or to any other person in respect of that decision;
  - (b) no proceedings may be brought in any court in respect of that decision.”

**Member's explanatory statement**

*This new clause is intended to make clear that the decision to issue a work notice is entirely within the employer’s discretion. The employer is therefore under no obligation to give a work notice and, if the employer determines that they will not give a work notice, the employer is under no liability to anyone and the decision cannot be challenged in court.*

BARONESS O'GRADY OF UPPER HOLLOWAY  
THE LORD BISHOP OF LONDON  
LORD FOX

4★ Page 4, line 40, at end insert—

**“234CA Protection of employees**

- (1) A person is not subject to a work notice if the person in question has not received a copy of the work notice.
- (2) It is for the employer to prove that an individual received a work notice.
- (3) Failure to comply with a work notice is not to—
  - (a) be regarded as a breach of the contract of employment of any person identified in the work notice, or
  - (b) constitute lawful grounds for dismissal or any other detriment.
- (4) Having regard to subsection (3), failure to comply with a work notice is deemed to be—
  - (a) a trade union activity undertaken at an appropriate time for the purposes of sections 146 (detriment on grounds related to union membership or activities) and 152 (dismissal of employee on grounds related to union membership or activities), and
  - (b) participation in industrial action for the purposes of sections 238 (dismissals in connection with other industrial action) and 238A (participation in official industrial action).”

***Member’s explanatory statement***

*This amendment would prevent failure to comply with a work notice from being regarded as a breach of contract or constituting lawful grounds for dismissal or any other detriment.*

LORD COLLINS OF HIGHBURY  
LORD FOX

5★ Page 5, leave out lines 9 to 22

***Member’s explanatory statement***

*This amendment would remove the section that removes protection from Unions.*

**Clause 3**

LORD THOMAS OF CWMGIEDD  
BARONESS RANDERSON  
BARONESS FINLAY OF LLANDAFF  
LORD COLLINS OF HIGHBURY

6★ Page 2, line 9, leave out from “Act” to end of line 11 and insert “of Parliament.

- (6) This section does not apply to—
  - (a) an Act or Measure of Senedd Cymru, or
  - (b) an Act of the Scottish Parliament.”

***Member’s explanatory statement***

*This amendment would mean that the power of United Kingdom Ministers to amend primary legislation does not apply to Acts of the Scottish Parliament or Senedd Cymru.*

**Clause 4**

LORD THOMAS OF CWMGIEDD  
BARONESS RANDESON  
BARONESS FINLAY OF LLANDAFF  
LORD COLLINS OF HIGHBURY

**7★** Page 2, line 13, at end insert “but applies only to England”

***Member’s explanatory statement***

*This amendment would limit the application of this Act to England.*

# Strikes (Minimum Service Levels) Bill

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*24 April 2023*

---