

Strikes (Minimum Service Levels) Bill

COMMONS REASONS

[The page and line references are to HL Bill 97, the bill as first printed for the Lords]

Clause 4

LORDS AMENDMENT 1

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

COMMONS REASON

The Commons disagree to Lords Amendment 1 for the following Reason –

- 1A** *Because it is not appropriate to restrict application of the Bill to England only.*

The Schedule

LORDS AMENDMENT 2

- 2** 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.”

COMMONS REASON

The Commons disagree to Lords Amendment 2 for the following Reason –

- 2A** *Because the Bill already contains adequate consultation requirements.*

LORDS AMENDMENT 4

- 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).”

COMMONS REASON

The Commons disagree to Lords Amendment 4 for the following Reason –

- 4A** *Because in order for the legislation to be effective, it is necessary for there to be consequences for an employee who fails to comply with a work notice.*

LORDS AMENDMENT 5

- 5** Page 5, leave out lines 9 to 22

COMMONS REASON

The Commons disagree to Lords Amendment 5 for the following Reason –

- 5A** *Because the amendment would remove the requirement for a union to take reasonable steps to ensure that members comply with a work notice in order for strike action to be protected, and this would reduce the impact of the legislation.*

LORDS AMENDMENT 6

6 Page 6, leave out lines 19 and 20

COMMONS REASON

The Commons disagree to Lords Amendment 6 for the following Reason –

6A *Because it is consequential on Lords Amendment 5 to which the Commons disagree.*

LORDS AMENDMENT 7

7 Page 7, line 28, leave out “, 234A and 234E” and insert “and 234A”

COMMONS REASON

The Commons disagree to Lords Amendment 7 for the following Reason –

7A *Because it is consequential on Lords Amendment 5 to which the Commons disagree.*

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23rd May 2023

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS