

LORDS AMENDMENTS TO THE  
**STRIKES (MINIMUM SERVICE LEVELS) BILL**

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

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**Clause 4**

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

**The Schedule**

**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.”

**3** 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.”

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).”

5 Page 5, leave out lines 9 to 22

6 Page 6, leave out lines 19 and 20

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

# Strikes (Minimum Service Levels) Bill

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## LORDS AMENDMENTS

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to be Printed, *10 May 2023*.

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