

STRIKES (MINIMUM SERVICE LEVELS) BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the Strikes (Minimum Service Levels) Bill as brought from the House of Lords on 9 May 2023.
- 2 These Explanatory Notes have been prepared by the Department for Business and Trade in order to assist the reader of the Bill and the Lords amendments, and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords amendments themselves, refer to HL Bill 97, the Bill as brought from the Commons.
- 4 These Explanatory Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords amendments. The amendments are addressed in the order they appear in the Bill.
- 5 Lords Amendment 1 was tabled by Lord Thomas of Cwmgiedd and was opposed by the Government.
- 6 Lords Amendment 2 was tabled by Lord Fox and was opposed by the Government.
- 7 Lords Amendment 3 was tabled in the name of the Minister.
- 8 Lords Amendment 4 was tabled by Baroness O’Grady of Upper Holloway and was opposed by the Government.
- 9 Lords Amendment 5 was tabled by Lord Collins of Highbury and was opposed by the Government.
- 10 Lords Amendments 6 and 7 were tabled by Lord Collins of Highbury. The amendments are consequential on Amendment 5 and were not opposed by the Government at Third Reading in the Lords.
- 11 In the following Commentary, an asterisk (*) appears in the heading of any paragraph that deals with a non-Government amendment.

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Bill as brought from the House of Lords on 10 May (HL Bill 97)

Commentary on Lords amendments

Lords Amendment to clause 4

Lords Amendment 1*

- 12 This amendment would insert new wording to Clause 4 of the Bill. The effect of the amendment is to limit the application of this Act to England.

Lords Amendments to the Schedule

Lords Amendment 2*

- 13 This amendment would insert new subsections (5), (6) and (7) into the proposed section 234B to be inserted into the Trade Union and Labour Relations (Consolidation) Act 1992 under paragraph 2 of the Schedule to this Bill. The effect of the amendment is to require that consultation takes place and is reviewed by a Committee of each House of Parliament prior to regulations being made under section 234B. Subsection (6) sets out matters to be included in the consultation and the parties to be consulted. Subsection (7) would require that the results of the consultation and reviews by Committees are published in a report and a copy of the report laid before Parliament.

Lords Amendment 3

- 14 This amendment would expand subsection (6) and add new subsection (6A) into the proposed section 234C to be inserted into the Trade Union and Labour Relations (Consolidation) Act 1992 under paragraph 2 of the Schedule to this Bill. The effect of the amendment is to ensure that employers must not have regard to whether a person has or has not taken part in trade union activities, made use of their services or had issues raised by a trade union on their behalf, in deciding whether to identify a person in a work notice under section 234C. Subsection (6A) defines a “trade union” for this purpose such that employers must also not have regard to whether a person is part of a particular trade union or a particular branch or section of a trade union.

Lords Amendment 4*

- 15 This amendment would insert new section 234CA into the Trade Union and Labour Relations (Consolidation) Act 1992 under paragraph 2 of the Schedule to this Bill. The effect of the amendment is to require a copy of a work notice to be given to a person for them to be subject to it and that employers must be able to prove that an individual has received a work notice. The amendment would also ensure that failure to comply with a work notice is not a breach of a contract of employment and that a person cannot be dismissed or suffer any other detriment as a result.

Lords Amendment 5*

- 16 This amendment would remove the proposed new section 234E to be inserted into the Trade Union and Labour Relations (Consolidation) Act 1992 under paragraph 2 of the Schedule to

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this Bill. The effect of the amendment is to ensure that trade unions do not have any responsibility or obligation to ensure that their trade union members comply with a work notice.

Lords Amendment 6*

- 17 This amendment would remove the reference to section 234E (work notices: no protection if union fails to take reasonable steps) from the proposed amendment to section 219(4) of the Trade Union and Labour Relations (Consolidation) Act 1992 under paragraph 4 of the Schedule to this Bill because proposed new section 234E (work notices: no protection if union fails to take reasonable steps) has been removed from this Bill by Lords Amendment 5.

Lords Amendment 7*

- 18 This amendment would remove the reference to section 234E from the proposed amendment to section 299 of the Trade Union and Labour Relations (Consolidation) Act 1992 under paragraph 10 of the Schedule to this Bill because proposed new section 234E (work notices: no protection if union fails to take reasonable steps) has been removed from this Bill by Lords Amendment 5.

Financial Effects of Lords Amendments

- 19 The Department does not consider that any of the Lords Amendments give rise to any significant expenditure.

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