

Strikes (Minimum Service Levels) Bill

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

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

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 NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 2, to which the Commons have disagreed for their Reason 2A, and do propose Amendment 2B in lieu –

2B Page 3, line 31, at end insert –

- “(5) Minimum service regulations may only be made if –
- (a) the Secretary of State has published draft regulations;
 - (b) the Secretary of State has conducted an impact assessment of the effect of the draft regulations on the services to which the draft regulations relate, addressing, in particular, the effect –
 - (i) on the general public,
 - (ii) on the conduct of these services, and
 - (iii) on the conduct and effectiveness of the exercise of the right to strike in those services;
 - (c) the Secretary of State has conducted a consultation with the representatives of trade unions, employers and any other interested party on the draft regulations and on the effect of the draft regulations on the services to which they relate, and in particular on the effect –
 - (i) on the general public,
 - (ii) on the conduct of those services, and
 - (iii) on the conduct and effectiveness of the exercise of the right to strike in those services,
 and has laid before Parliament a report on that consultation;
 - (d) the Secretary of State has placed before a Joint Committee of both Houses of Parliament convened for the purpose of reviewing them the impact assessment under paragraph (b) and the report under paragraph (c) and the Joint Committee’s review has been published in a report to Parliament.”

COMMONS REASON

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

2C *Because the Bill already contains adequate provision for consultation and parliamentary control of regulations made under it.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 2B, to which the Commons have disagreed for their Reason 2C, and do propose Amendment 2D in lieu –

2D Page 3, line 31, at end insert –

- “(5) Minimum service regulations may only be made if –
- (a) the Secretary of State has published draft regulations;
 - (b) the Secretary of State has consulted the International Labour Organisation and given due consideration to such advice as it has proffered;
 - (c) the Secretary of State has conducted an impact assessment of the effect of the draft regulations on the services to which the draft regulations relate, addressing, in particular, the effect –
 - (i) on the general public;

- (ii) on the conduct of these services;
 - (iii) on the conduct and effectiveness of the exercise of the right to strike in those services;
- (d) the Secretary of State has conducted a consultation with the representatives of trade unions, employers and any other interested party on the draft regulations and on the matters to be addressed by the impact assessment and, in particular, on whether the draft regulations should or do sufficiently provide, so far as possible under section 234F(2)(a), for protection of workers who do not receive a work notice or fail to comply with it, and for the identification of the “reasonable steps” which a union must not fail to take under section 234E and those which it is reasonable for it not to take;
- (e) the Secretary of State has laid before Parliament a report on any advice proffered under paragraph (b) and the consultation under paragraph (d);
- (f) the Secretary of State has placed before a Joint Committee of both Houses of Parliament, convened for the purpose of reviewing them, the impact assessment under paragraph (c) and the report under paragraph (e) and the Joint Committee’s review has been published in a report to Parliament.”

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