

Harriet Harman MP
Chair of Joint Committee on Human Rights
Joint Committee on Human Rights,
Houses of Parliament. London.
SW1A 0AA

T: +44 (0) 020 4551 0011
E: Hollinrake.Correspondence@businessandtrade.gov.uk
W: www.gov.uk

By email: jchr@parliament.uk

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MINIMUM SERVICE LEVELS – CODE OF PRACTICE – ‘REASONABLE STEPS’

Dear Harriet,

I am writing to you in your capacity as chair of the Joint Committee on Human Rights (JCHR) to inform you of a public consultation launched today regarding minimum service levels.

During the passage of the Strikes (Minimum Service Levels) Act this year, the JCHR published a legislative scrutiny report on 1 March. One of the recommendations within this report was for the Government to provide greater clarity regarding a legal requirement for trade unions to take “reasonable steps”.

The requirement to take reasonable steps applies where an employer gives a work notice to a union identifying the workers and the work required to achieve a minimum service level during strike action. The union must take reasonable steps to ensure that their members identified comply with that work notice. Taking reasonable steps will enable that union to maintain protection from proceedings in tort brought by the employer in relation to an act done by the union to induce a person to take part, or to continue to take part, in a strike.

On the 17 July, and having considered the matter further during parliamentary passage, I set out to the House that the Government will introduce a statutory Code of Practice on the reasonable steps that must be taken, using existing powers under section 203 of the Trade Union and Labour Relations (Consolidation) Act 1992.

I am writing to inform you that the Government has today launched a public consultation on the draft Code of Practice for reasonable steps.

The draft Code of Practice on reasonable steps recommends five steps that trade unions should take to meet the legal requirement:

- **Step 1: Identification of members** - This step is about unions identifying their members on the work notice. This enables them to take reasonable steps regarding those workers.
- **Step 2: Encouraging individual members to comply with a work notice** – this step is about sending an individual communication to each member identified in a

work notice to encourage them to comply with that notice and not to strike. This communication is referred to as a 'compliance notice'.

- **Step 3: Communication to the wider membership** – this is a communication to explain to the wider union members a work notice has been issued to cover upcoming strike action and how that notice will affect the strike. This communication is referred to as a 'information notice'.
- **Step 4: Picketing** – this step is where picket supervisors will be instructed by the union to take reasonable endeavours to ensure that union members who are identified in the work notice, and who identify themselves at the picket of this, will not be encouraged by those on the picket to take strike action.
- **Step 5: Assurance** - this step sets out that a trade union should ensure that it does not undermine any of the steps that it takes and to correct actions by union officials or members which may also undermine the reasonable steps.

The draft Code of Practice and consultation can be accessed via this link: www.gov.uk/government/consultations/minimum-service-levels-code-of-practice-on-reasonable-steps. Following the consultation, the Government will lay the Code before both Houses of Parliament for approval in the usual way.

I'd welcome any feedback the committee may have on the Code of Practice.

Yours ever,

A handwritten signature in black ink, appearing to read 'Kevin', with a stylized, cursive script.

KEVIN HOLLINRAKE MP

Minister for Enterprise, Markets and Small Business