

Strikes: Government unveils temporary staff legislation

June 23, 2022

A law designed to allow businesses to employ agency workers to fill staffing gaps during strikes has been unveiled by the government.

The law has been branded by opposition as “a recipe for disaster” but the government has said the move is “vital”.

Currently businesses cannot supply temporary agency workers to fill duties by employees who are taking part in industrial action. The government describes the resulting impact as being “disproportionate” to areas such as public services.

The government said that today’s legislation will give businesses impacted by strike action the freedom to tap into the services of skilled, temporary agency staff at short notice to temporarily cover essential roles for the duration of the strike.

Temporary labour is perhaps not likely to replace engineers and specialists in the context of a rail strike, but the government said it would be feasible to fill roles such as train dispatchers.

Furthermore, the government said that businesses will still need to comply with broader health and safety rules that keep both employees and the public safe. It would be their responsibility to hire cover workers with the necessary skills and/or qualifications to meet those obligations.

The move could have a bigger impact on other sectors where unions have mooted strike action, such as education, which the government explicitly mentions in their press release.

Subject to parliamentary approval, these changes are made through a statutory instrument and are set to come into force over the coming weeks and will apply across England, Scotland and Wales.

“Vital” legislation

Business Secretary, Kwasi Kwarteng, said: “Once again trade unions are holding the country to ransom by grinding crucial public services and businesses to a halt. The situation we are in is not sustainable.

“Repealing these 1970s-era restrictions will give businesses freedom to access fully skilled staff at speed, all while allowing people to get on with their lives uninterrupted to help keep the economy ticking.

Transport Secretary, Grant Shapps, said: “Despite the best efforts of militant union leaders to bring our country to a standstill, it’s clear this week’s strikes did not have the desired impact due to more people being able to work from home. However, far too many hard working families and businesses were unfairly affected by union’s refusal to modernise.

“Reforms such as this legislation are vital and will ensure any future strikes will cause even less disruption and allow adaptable, flexible, fully skilled staff to continue working throughout.”

A “recipe for disaster”

Angela Rayner MP, Labour’s Deputy Leader and Shadow Secretary of State for the Future of Work, said: “This is a recipe for disaster, not just undermining pay and working conditions, but risking public safety and ripping up ministers’ own words.

“The government appear to have learned nothing from the P&O scandal, which resulted in multiple safety failures and the grounding of vessels. The idea this could solve the travel chaos they have created is just more Tory fantasy in place of real solutions. It’s no wonder business leaders oppose it as much as trade unions do. It’s just another Tory tactic to inflame more disputes in the country they should be leading, not dividing.”

Damages

The government has also announced today that it is raising the maximum damages that courts can award against a union, when strike action has been found by the court to be unlawful. The caps on damages, which have not been changed since 1982, will be increased. For the biggest unions, the maximum award will rise from £250,000 to £1 million.