



Department for
Business, Energy
& Industrial Strategy

Paul Scully MP

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Email only.

Dear Tania,

Thank you for your email to on 22 June about the recently announced changes to repeal regulation 7 of the Conduct Regulations to allow employment businesses to supply agency staff to employers facing strike action. I am aware that you also wrote a very similar letter to the Secretary of State on 23 June and I am responding on his behalf.

The Statutory Instrument to repeal regulation 7 was laid in Parliament on 27 June and you can see the draft legislation on gov.uk. By repealing regulation 7 we want to limit the disproportionate impact of strikes of members of the public, important public services, and the wider economy. One way of doing that is by giving employers more flexibility to respond to industrial action and continue operating to some extent, by allowing them to use agency staff as well as the current option of directly hiring staff.

I note your concern about the interaction of this policy with international labour standards. We are very clear that this change is fully compliant ongoing international legal obligations. The legislation does not affect the rights of individuals to strike and existing protections for striking workers remain in place. But this is, after all, a question of balance and our proposal redresses that balance between the right of individuals to strike and the right of third parties (including businesses and the public) to not suffer disproportionate disruption. This is especially important (and urgent) as we emerge from the pandemic and people and businesses are dealing with cost-of-living challenges.

You do also raise a practical point that agency staff may not want to accept jobs covering for striking workers, which could limit the effectiveness of the change. This will, undoubtedly, be true in some cases. The proposed legislation does not, of course, compel workers to accept these roles but give them a choice to take up opportunities that the current legislative framework does not afford them. Similarly, the change does not compel employment businesses to supply workers in these circumstances.

In response to your point about finding workers with the right mix of skills, employment businesses will still be required to satisfy themselves that the agency worker has the necessary experience, training, qualifications, and any authorisation which the hirer considers is necessary, or which is required by law or by any professional body, to work in the position which the hirer seeks to fill. The proposed change to these regulations doesn't change this. What it does do is allow employment businesses to innovate and work to develop

new business opportunities, potentially in new sectors. This can only be a good thing in my view.

I am grateful for the role that the recruitment sector has played in helping businesses to address labour and skills shortages during the pandemic and as we recover from its effects. I am very pleased that you have met with Matt Warman and look forward to receiving the findings of his work later this year.

Yours sincerely,



PAUL SCULLY MP

Minister for Small Business, Consumers & Labour Markets
and Minister for London