

Strikes (MSLs) Bill – update

Introduction

This briefing sets out the state of play on the Strikes (MSLs) Bill following completion of report stage in the House of Lords. It covers the outcomes on amendments and next steps in the process.

Lords Report Stage

Report Stage in the Lords was held on Wednesday 26 April. A total of 7 amendments were tabled, of which three were aligned with the priorities set out by the TUC Executive Committee meeting of 4 April and the General Council of 26 April namely:

- Exemption of Scotland and Wales from the scope of the bill
- Protection from unfair dismissal for individual workers
- Removal of requirement on unions to take reasonable steps to ensure members comply with work notices.

We are pleased to say that all of these amendments were passed with significant majorities and will now be included within the bill as amended that will go to 3rd Reading. The table below provides some details on the amendments tabled and vote outcomes:

No.	Amendment	What it does	Moved by	Vote outcome
1	Powers to only be implemented following extensive consultation on impact assessments by committees of both Houses	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.	Lord Fox (LD) Lord Collins (Lab)	Amendment supported: 221 - 197

2	Additional matters that an employer must not have regard to in deciding whether to identify a person in a work notice	Prohibits an employer - when selecting an individual worker for a work notice – considering whether the person is or is not a member of a trade union, has or has not taken part in trade activities, made use of trade union services or has had a matter raised by a trade union on their behalf.	Lord Callanan (Con) – on behalf of govt	Amendment supported unanimously: Did not go to vote
3	To make clear that the decision to issue a work notice is entirely within the employer's discretion	Ensures an employer is under no obligation to give a work notice and, if the employer determines that they will not give a work notice, the employer is under no liability to anyone and the decision cannot be challenged in court.	Lord Thomas (CB) Lord Allan (LD)	Amendment withdrawn
4	Protection of employees	This amendment would prevent failure to comply with a work notice from being regarded as a breach of contract or constituting lawful grounds for dismissal or any other detriment.	Baroness O'Grady (Lab) Bishop of London	Amendment supported: 232 - 201
5	Requirement on unions to take reasonable steps to ensure members comply	Removes the section of the bill that removes tort protection from unions that fail to take reasonable steps to make their members comply with work notices.	Lord Collins (Lab) Lord Hendy (Lab)	Amendment supported: 220 - 196
6	Amending Acts of devolved parliaments	Removes the power of United Kingdom Ministers to amend primary legislation to apply to Acts of the Scottish Parliament or Senedd Cymru	Lord Thomas (CB) Baroness Randerson (LD) Baroness Finlay (CB) Lord Collins (Lab)	Amendment withdrawn

7	Exemption of Scotland and Wales	Limits application of the Act to England alone.	Lord Thomas (CB) Baroness Randerson (LD) Baroness Finlay (CB) Lord Collins (Lab)	Amendment supported: 213 - 184
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Next steps

3rd Reading – 9 May

The bill will now progress to 3rd Reading in the Lords, scheduled for Tuesday 9 May.

Unlike the House of Commons, amendments can be made at third reading in the House of Lords, provided the issue has not been fully considered and voted on during either committee or report stage. So, while further amendments can be made, the government can't come back on issues already debated and voted on at report stage.

Amendments at third reading are often used to clarify specific parts of the bill and to allow the government to make good any promises of changes they made at earlier stages of the passage of a bill.

Commons – Consideration of amendments

Following 3rd Reading, the bill will return to the Commons for consideration of amendments.

There is no set time for this to take place. On a normal bill, this could be one to two weeks. However, the government can choose to push this through as a priority.

At this stage, the Commons must consider amendments made by the Lords and either agree or disagree to the amendments or make alternative proposals. With an 80 seat majority, it is likely that the government will be able to drive through opposition to all of the amendments passed by the Lords.

Ping pong

The bill will then go back to the Lords for their consideration of the decisions taken by the Commons. This process can go back and forth between the two Houses on a number of occasions if the Lords continue to vote to amend the Bill – the process known as ping pong.

It is difficult to judge how much appetite there will be in the Lords to continue to fight with the government on this.

Timetable

We will work with whips to work out the likely schedule for this process and will update as and when we have more intelligence on this.