

Proposals to repeal the restrictions on providing work-seekers in industrial disputes

Introduction

This briefing outlines recent developments following the Government's announcement on 23 June 2022 that it intends to introduce legislation to permit agency workers to be used to fill staffing gaps caused by industrial action. In order to do this, the Government would have to repeal Regulation 7 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003, which specifically prohibits the use of agency workers from being used during industrial disputes.

This reflects the long-standing national and international acceptance that agency workers should not be used to replace those on strike, as enshrined in international conventions such as the International Labour Organization (ILO) and the Code of Conduct of the World Employment Confederation, to which trade bodies representing employment agencies and businesses, such as the Recruitment and Employment Confederation (REC), are signed up.

Should such a change be introduced, it would apply across all sectors, including education. This could have a profound impact for school and college leaders and for maintaining good industrial relations.

These proposals could place school and college leaders in a very difficult situation and could inflame tensions during any industrial dispute.

The NASUWT's Position

The Union opposes the Government's proposals on the grounds that they further threaten to weaken the rights of all workers, including teachers. These changes by the Government are intended to prevent workers taking collective action to defend their jobs, pay and working conditions. The Government, once again, intends to introduce legislation that is in contravention of its international commitments and obligations. The right to strike is enshrined in international law.

The Government's contempt for the rights of working people is all too evident in these latest proposals to incite employers to deploy agency workers to undermine legitimate industrial action. If the Government was serious about improving workers' rights, it would be focused on improving the pay and working conditions of all workers, including agency workers, tackling the cost-of-living crisis, prohibiting the use of zero-hours contracts, and ensuring that agency workers have the rights of all other workers from day one.

The Union continues to monitor the situation, as this could place school leaders in a very difficult situation and has the potential to inflame tensions during any strike action.

It would be unacceptable for teachers and headteachers to be placed in this position.

Please contact your NASUWT Local Association in the first instance if any issues or concerns arise at your school or college.

Support the Campaign

Please sign the TUC Megaphone petition at: <https://www.megaphone.org.uk/petitions/don-t-undermine-our-right-to-strike>.

The Union has also produced a template letter which all members are encouraged to use to lobby their MP against the proposals. This can be found at: www.nasuwt.org.uk/ProtectTheRightToStrike.



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