


Minimum service levels and reasonable steps

31 August 2023  Sarah Hooton

The Government has opened a consultation on a draft Code of Practice setting out proposals for what steps will be considered “reasonable steps” for a trade union to take in order to comply with the Strikes (Minimum Service Levels) Act 2023 (the Act).

Under the Act, where an employer issues a works notice setting out the persons who are required to work in order to comply with minimum service levels, a union must take “reasonable steps” to ensure that union members comply with the terms of the works notice.

The draft Code of Practice provide guidance on what will be deemed to be reasonable steps and includes template letters. There are 5 main steps:

1. identification of union members;
2. encouragement of named members to comply with the works notice through the use of a “compliance notice”;
3. notification to members who aren’t named in the notice through the use of an “information notice”;
4. guidance for picketing (to seek to avoid named members being encouraged not to cross the picket) and
5. an “assurance” step to try to avoid any action from individual officials or members which undermine the steps taken by the union.

The Act, and its previous Bill, has been extremely controversial with a number of unions being very vocal in criticising the approach taken. There have also been concerns raised in respect of the proposals by the Joint Committee on Human Rights and the Equality and Human Rights Commission. It remains to be seen quite how this area will continue to develop and, in particular, whether we will see further challenges once detail of the minimum service levels required are known.

Consultation on the draft Code of Practice remains open until 9.30 am on 6 October 2023.

[Draft Code of Practice and consultation questions](#) →

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