

Unions bowled over by strike legislation

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The predominant change is that employers may now replace workers on strike with agency workers which was previously unlawful. Also, the cap on unlawful industrial action damages has significantly increased (in the largest unions, from £250,000 to £1,000,000 cap).

The UK government has relied on a consultation from 2015 to push the new legislation through parliament, and it had drawn the furore of various unions, which believe that the legislation allowing the use of agency workers (1) is 'unworkable', (2) will 'prolong conflict', and (3) does not solve the issues. Whilst fast-tracked, UNISON has indicated that it intends to seek a judicial review. Further, the changes may have little impact due to long-standing recruitment issues in professions that will be affected, such as in education, healthcare or the rail industry. Is there an agency workforce that can actually sustain these industries during strikes? In short, this appears to be populist, rather than practical.

If facing strikes, be aware of this new change should your business need additional assistance. However, bear in mind the effect this will have on relationships with your employees and workers, at an already frayed time in the working relationship. Furthermore, this is not the be-all and end-all with the impending challenge via judicial review. Watch this space.

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