

Paul Scully MP
Minister for Small Business, Consumers and Labour Markets
Department for Business, Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET

13th June 2022

By email only

Dear Minister,

Press discussion on repealing the Ban on Agency Workers Covering Strikes

I was concerned to read that the Government is considering the repeal of Regulation 7 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 in the press this weekend.

This provision reflects widespread national and international acceptance that it is not appropriate to use agency workers to replace those on strike. The prohibition on replacing striking workers appears in the Code of Conduct of the World Employment Confederation, for instance – to which the REC and our members subscribe.

On behalf of REC members, representing most of the agency work market here in the UK, I want to urge you not to proceed with this step.

Leaving aside the rights and wrongs of any particular dispute, a strike is a dispute within a single firm. Agency workers are not employees of that firm – they are engaged by the agency. Inserting another firm's workers into a strike situation is always likely to inflame tensions.

Repealing the ban would leave employment agencies and their workers in an unfair moral position. Agencies would be under pressure from some clients to help them break strikes or deliver contentious changes – the recent case of P&O Ferries workers emphasises how unfair this could be, and the negative attention it could garner for the agency and the workers involved, as well as their client. Good businesses would be placed under pressure to supply staff, while fearing for both their future relationship with their client and the health and safety of their workers, who would be placed into a tense and challenging business situation. These two things should not be placed into conflict.

There are also significant practical challenges with this policy, too. With demand regularly exceeding supply in our temporary labour market – especially now – the chances of agency staff choosing jobs where they have to cross the picket line over those where they do not is very low. The cost of training staff to cover specialist roles is also significant.

At the REC, we have spent decades establishing agency work for what it is – a vital cog in our economy and in people’s ability to work the way they want. It is not low quality, second class or the cheap option. This change risks forcing the industry into a much more negative position – and damaging the good we do for the country – while totally failing to address the issue at hand.

I urge you to step back from this proposal. There are several things which Government could do that would help the labour market and employee relations more broadly, and I would be happy to discuss these with you at your leisure. It is far easier to make policy in discussion with those it affects. I would welcome the chance to meet with you to discuss both topics soon.

Yours Aye,



Neil Carberry
Chief Executive
Recruitment and Employment Confederation