



Home Office

Rt Hon Dame Diana Johnson DBE MP  
Minister of State for Policing, Fire  
and Crime Prevention

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[www.gov.uk/home](http://www.gov.uk/home)

**Cllr Frank Biederman**  
Chair, Fire Services Management Committee

**Cllr Nick Chard**  
Chair, National Employers

**Mark Hardingham**  
Chair, National Fire Chiefs Council

**Via Email Only**

15<sup>th</sup> September 2024

Dear Frank, Nick and Mark

I am writing to update you on the Government's plans for the Strikes (Minimum Service Levels) Act 2023 ("the 2023 Act"). The 2023 Act enables minimum service levels (MSL) to be applied to specified services by regulations within these sectors during strike action. This Government believes that the 2023 Act unduly restricts the right to strike and undermines good industrial relations. As you will remember, the introduction of the 2023 Act was met with widespread condemnation from employers and trade unions alike, with many employers across different sectors pointing to its unworkability and impact on employers' and trade unions' abilities to negotiate and come to resolution on disputes.

As you are aware, our 'Plan to Make Work Pay' pledged to repeal the Act to give trade unions the freedom to organise, represent and negotiate on behalf of their workers. We believe this will help to usher in a new era of partnership that sees trade unions, employers and Government working constructively together in co-operation and through negotiation. Our agenda to Make Work Pay is an important part of our plan for growth and to raise living standards for everyone, everywhere - by boosting productivity, boosting incomes and levelling the playing field so that employers who do right by their workers are no longer undercut in a race to the bottom.

We have begun preparations to repeal the 2023 Act as part of the forthcoming Employment Rights Bill. Amendments made by the 2023 Act to the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") would accordingly be reversed and any minimum service regulations would lapse once the Employment Rights Bill has Royal Assent. We are committed to ensuring that this legislation will be introduced in Parliament within the first 100 days of this Government.

Although the ability of employers to give work notices will legally continue until the 2023 Act is formally repealed and amendments to the 1992 Act are accordingly reversed, in this



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interim period we strongly encourage fire and rescue authorities to seek alternative mechanisms for dispute resolution, including voluntary agreements, rather than imposing minimum service levels on your workforce. We encourage you to engage in negotiation and discussion with trade unions, ensuring industrial relations are based around good faith negotiation and bargaining.

I also want to make clear that, following the High Court ruling in August 2023 which upheld the judicial review challenge on the Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2022, employment businesses are prohibited from providing agency workers to cover the duties normally performed by a worker of an organisation who is taking part in a strike or other industrial action. In light of the High Court ruling, it is not necessary to repeal these regulations; however, the Government will formally update Parliament on the position in due course.

We will be in touch in due course to confirm once the new Employment Rights Bill has come into force and the 2023 Act has formally been repealed. In the meantime, we seek your cooperation in supporting good industrial relations.

I would be grateful if you could cascade this letter to all fire and rescue authorities in England. I am also copying this letter to Councillor Nick Chard, Chair of the National Employers, and to Mark Hardingham, Chair of the National Fire Chiefs Council.

Yours Sincerely,

Dame Diana Johnson DBE MP

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