



Department for  
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27 June 2025

Dear Baroness Coffey,

### **Employment Rights Bill: Notice to employers of industrial action**

Thank you for your contributions to the Committee stage debate on the Employment Rights Bill on Tuesday 10 June, on the important topics of the timescales for notice to employers of industrial action, and the detail of the industrial action notice. I appreciate your interest and engagement on this issue, and I am pleased to write with further information.

You raised concerns that a 10-day notice period for industrial action as set out in Clause 71 would not be appropriate for the National Health Service. You also raised concerns about the simplifications to industrial action notices we are delivering via Clause 71.

#### **Notice Period – decision on length**

Clause 71 reduces the notice period required for industrial action from 14 days to ten days. This change forms part of the government manifesto commitment to repeal the Trade Union Act 2016. We have been clear that bureaucratic hurdles do not prevent strikes and only make it harder for unions to engage in the bargaining and negotiation that settles disputes. We want to create a positive and modern framework for trade union legislation that delivers productive, constructive engagement; respects the democratic mandate of unions; and works to reset our industrial relations.

When deciding on an appropriate length for the industrial action notice period, the Government consulted on this issue in the consultation on creating a modern framework for industrial relations<sup>1</sup> held late last year. We listened carefully to respondents and have reflected on concerns that reverting to the position before the Trade Union Act 2016 (a seven day notice period) may not always be enough time to prepare for industrial action in some important sectors such as transport, healthcare and education. Furthermore, we agree that employers should be given sufficient time to plan properly for the impact of industrial action and their operations.

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<sup>1</sup> <https://www.gov.uk/government/consultations/making-work-pay-creating-a-modern-framework-for-industrial-relations>

However, given that employers would have had the time when the ballot was being carried out to begin to plan put in place more general mitigations, the Government also considers that a 14-day period goes further than is necessary.

The Government is therefore of the view that ten days' notice achieves the appropriate balance in allowing employers the ability to plan to mitigate the impacts of industrial action while also respecting the right to strike.

#### **Industrial Action Notices – subsection (1)(b)**

Clause 71 also removes the requirement for a trade union to disclose the number of affected employees in each category under s234A of the Trade Union and Labour Relations (Consolidation) Act 1992. The Government consulted on the simplification of industrial action notices in the consultation referred to above and set out detailed proposals for the simplification of industrial action notices.

Current industrial action notice rules are overly complex. Simplifying s234A in the way we propose reduces complexity without removing the key information employers need to plan.

The consultation initially proposed wider changes to the information requirements under s234A. However, the Government has listened to representations from unions, businesses, and others on this matter and agree it is important for employers to have sufficient information ahead of industrial action.

However, we are clear that there is also scope to reduce complexity while ensuring a suitable level of information is provided. Therefore, for notices of industrial action, the only change is the removal of the duty to disclose the number of affected employees in each category of worker balloted. Simplifying these requirements will help ensure that both employers and unions are able to focus their attention and resources on resolving disputes, rather than waste time and energy on pursuing spurious legal challenges to democratic industrial action.

I am copying this letter to all Noble Lords who spoke in the debate. I am also depositing a copy of this letter in the Library of the House.

Best wishes,

A handwritten signature in blue ink, appearing to read 'The Lord Katz', with a long, sweeping underline that extends across the bottom of the page.

**The Lord Katz MBE**  
**Lord in Waiting (Government Whip)**