

Lord Hodgson of Astley Abbotts  
Chair, Secondary Legislation Scrutiny Committee  
House of Lords  
London,  
SW1A 0PW

12 July 2022

Dear Lord Hodgson,

**The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2022**

I am writing to you in your capacity as Chair of the Secondary Legislation Scrutiny Committee to draw your attention to the Statutory Instrument (SI) above. On behalf of REC members, representing most of the agency work market in the UK, I urge the committee to give this statutory instrument the scrutiny it requires.

By way of introduction, the [Recruitment & Employment Confederation \(REC\)](#) is the professional body for the recruitment industry. We represent over 3,000 businesses who help more than a million people find a new permanent job each year, and on any given day place nearly 1 million people onto a temporary, contract or freelance assignment. Our members recruit across the labour market in both public and private sectors.

The SI above would remove Regulation 7 of the Conduct Regulations 2003, which currently prohibits agency workers replacing those taking part in industrial action. Leaving aside the rights and wrongs of any 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 always inflames tensions further.

Repealing the ban would also 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.

There are also significant practical challenges with this policy, too. There are currently 1.3 million vacancies in the UK, a record high. REC data shows that the number of candidates available to fill roles has been falling at record pace for months. In this tight labour market, agency workers are in high demand and can pick and choose the jobs they take. Agency staff are very unlikely to choose a role that requires them to cross a picket line versus one that doesn't.

Yesterday, the government published an [Impact Assessment](#) with vastly reduced costs and benefits from the [Impact Assessment](#) published in 2015, previously declared “not fit for purpose” by the Regulatory Policy Committee (RPC). Without any consultation with those most affected – the agencies and their workers – it's difficult to give the assumptions in the latest assessment any credence. Relying on a seven-year-old consultation to apply to legislation being laid in 2022 is wholly inappropriate and fails to take account of the wider economic and political context.

**REC**Recruitment  
& Employment  
Confederation

The lack of consultation makes it even more important for the SI to receive proper parliamentary scrutiny, rather than risk being rushed through both Houses. I urge the committee to provide this much needed analysis.

Yours Sincerely,

**Neil Carberry**  
Chief Executive