

Rt Hon Kwasi Kwarteng MP

Secretary of State

Department for Business, Energy and Industrial Strategy  
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Dear Secretary of State,

We write regarding your department's announcement today concerning its intention to immediately introduce a Statutory Instrument to Parliament to change the agency workers' legislation in respect of the ability of recruitment companies to supply agency workers to replace striking workers. This is further to our recent, similar letter to your colleagues Minister Paul Scully MP, Grant Shapps MP and DLME Margaret Beels.

APSCo UK and OutSource are the representative bodies for the professional recruitment industry and are comprised of approximately 1000 recruitment and affiliated members from start-ups to listed global groups. APSCo recruitment members and outsourcing providers recruit professionals in STEM, accountancy, legal and finance, life sciences, qualified social work, education and clinical healthcare into a range of permanent and contractor roles at blue chip firms, high growth organisations, public sector and SME companies.

Given the urgency of the legislation APSCo UK and OutSource representatives are keen to meet as soon as practicable with you to discuss the proposed legislative solution that the Government has proposed of utilising agency workers to replace striking workers. APSCo UK and OutSource want to put forward the views of our members and discuss how such a proposal would stand in the context of international labour standards.

This government was elected on a manifesto of improving worker rights via implementation of the recommendations of 2017's Taylor Review. APSCo UK recently met with Matt Warman MP as the lead of the government's Future of Work review, and we had a useful and productive discussion on the future of work in the UK and the need to protect workers from rogue umbrella companies and from abuses of loopholes by some when hiring agency and contract workers. However, our members have been surprised by the unexpected move to amend the agency legislation. Our members are also keen to have sight of more detail regarding the reference to agency workers and "transferable skills" to replace striking workers.

Given the significance of the proposed legislation and the fact that our members, and most sectors our members cover are not unionised, we have this week sought the views and input of our membership. Our public policy forums were united in concern over the Government's proposal to

amend legislation to remove the prohibition on recruiters supplying agency workers to replace strikers.

Members are sceptical about the impact of removing this prohibition for several reasons:

- Most of the roles are skilled and therefore agency workers may require upskilling, onboarding and compliance checks. This means that there would likely be a time lag before workers would be ready to fill resourcing needs. In a very skills short market, skilled workers, such as train drivers for example are unlikely to be "on the bench" and readily available.
- Workers and recruitment businesses are likely to be unwilling to "cross the picket line" to replace strikers.
- There is concern at the mismatch with international labour standards and recruitment regulations.

We are available to discuss in more detail with you and would welcome this opportunity.

Yours sincerely,



Tania Bowers  
Global Public Policy Director