



T: 0300 244 4000  
E: scottish.ministers@gov.scot

Paul Scully MP  
Department for Business, Energy &  
Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

Minister.Scully@beis.gov.uk

1 July 2022

Dear Paul,

Thank you for making us aware of your intention to lay two Statutory Instruments in Parliament, namely:

- Regulation 7 (Draft affirmative Statutory Instrument) repealing regulation 7 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (the Conduct Regulations); which will enable employment businesses to supply temporary workers to employers facing industrial action should they wish to, though they will not be forced to.
- Increasing the damages cap (negative Statutory Instrument) which proposed to increase the existing cap for damages awarded against trade unions for organising unlawful strike action in line with inflation.

I am aware that these Statutory Instruments have now been laid. These changes come as no surprise as UK Ministers have been trailing them for some time, but this makes them no less objectionable.

I echo the sentiments of the First Minister of Scotland in believing that these changes represent a stark example of this UK Government's anti-trade unionism, which the Scottish Government utterly deprecates. The Scottish Government believes that we should respect workers across our economy; we should respect public sector workers; and we should seek to negotiate fair resolutions to disputes, particularly at a time of soaring inflation that has been so exacerbated in the UK by the folly of Brexit.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)



We would seek assurances that the potential implications of this unilateral action for international obligations, both in terms of the ILO standards and trade agreements, have been considered and that these measures do not further put at risk our international standing and reputation. Scotland, as you know, has embraced the concept of fair work – it is disheartening to see our own progressive activity in this regard being put at risk by association with the UK Government’s ill thought out, hasty and hostile approach to industrial relations

It is the long-standing position of the Scottish Government that a progressive approach to industrial relations along with greater – not fewer – protections for workers is at the heart of a fairer, more successful society.

These changes are a direct contradiction to our position, and as such, we will oppose them.

This is another example of why we need full control over employment powers and levers - so that the Scottish Parliament is able to set the legislative framework for the labour market in 21<sup>st</sup> century Scotland.



**RICHARD LOCHHEAD**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew’s House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

**INVESTORS IN PEOPLE™**  
We invest in people Silver

