



The Rt Hon Kemi Badenoch MP  
Secretary of State for Business and Trade  
Department for Business and Trade  
Old Admiralty Building, Admiralty Place  
London  
SW1A 2DY

10 February 2023

Dear Secretary of State

### **Workers' rights and the Retained EU Law (Revocation and Reform) Bill**

Congratulations on your appointment as Secretary of State for Business and Trade.

Prospect, represents more than 155,000 workers across the public and private sectors, in industries ranging from defence and energy to the creative arts and tech. Our members work as scientists, engineers, technical experts and in other specialist roles that help the UK compete on the world stage. As an independent union we are not affiliated to any political party.

We have engaged with your predecessor as Business Secretary on several pressing issues, including most recently on the redundancies announced at Twitter and Spotify.

In particular, we are deeply concerned that big tech firms are increasingly following P&O's lead in riding roughshod over existing UK employment procedures and protections for redundancies, including the need to properly consult and select those affected in a fair and non-discriminatory way.

It should be a basic principle that companies who trade in the UK – no matter their owner or size – follow both the letter and the spirit of UK employment law. This is a matter of basic fairness for workers, but also ensures a level playing field for all companies.

If companies choose not to follow the rules, then the government must make sure that their system of regulation holds them to account. Among other problems with the current system of enforcement, the rules on protective awards do not give sufficient incentive for companies to follow the rules in all circumstances.

It is self-evident that the ability to pursue an injunction where a failure to follow the law is apprehended would transform how these situations are handled. It is the lack of adequate prospective remedy that provides the conditions for unacceptable practices to develop. This would not impact the many good employers who handle change well, but it would deter those intent on autocratic decision-making.

Without action, what is currently poor practice by the minority, could easily become the norm, undermining some of the central tenets of worker protection in redundancy in this country.

As a union we are also concerned that workers' rights more broadly could be put at risk by your department's Retained EU Law (Revocation and Reform) Bill.

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Fundamental workers' rights such as the right to paid holiday, limits to working time, parental leave and maternity rights would be due to sunset under the proposed legislation. Also included are essential health and safety provisions, including in the nuclear sector, where we represent over 12,000 workers.

I hope that you will be able to reassure trade union members, like the thousands that we represent, that the government does not intend to weaken any of these worker's rights and intends to deliver on previous commitments by your party to "protect and enhance workers' rights as the UK leaves the EU, making Britain the best place in the world to work."


Given the tight timescales involved, it is implausible that the government will be able to individually review thousands of pieces of relevant legislation by the end of 2023, giving rise to concerns that the full implications of changes have not been fully considered.

Opposition to the Bill and concerns about its practicality have not just been raised by trade unions – doubts have also been raised by a wide range of others with an interest in this area, including the Institute of Directors, the Chartered Institute of Personnel and Development and the Employment Lawyers Association.

I would welcome a meeting with you to discuss the issues raised in this letter in further detail, which I will be sharing with our members.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink that reads "Mike Clancy". The signature is written in a cursive, slightly slanted style.

Mike Clancy  
General Secretary