Employment Rights Act 2025

Two-tier code in public sector outsourcing contracts – reps' checklist

Here's how you support the two-tier code to level-up your members terms and conditions.

1. Map two-tier teams

- ☐ If it applies to your workplace, map any outsourced contracts or teams where members work alongside ex-public-sector staff – so you know which groups should be covered once the code is in force.

2. Check contract terms

- ☐ Ask the public body (the contracting authority) what clauses they're putting into new contracts to stop a two-tier workforce developing.
- ☐ Ask your own employer how they plan to meet those obligations and make sure new starters aren't put on worse overall terms than transferred staff.

3. Compare conditions

- ☐ Talk to members and colleagues to find out if there are there any examples of differences in pay and terms between transferred staff and new joiners on the same contract.
- ☐ If there are differences, collect any evidence you can, then use these in discussions with your employer to resolve the issue.

4. Push your employer to level up

- ☐ Check your employer is complying with the new provisions and bringing new starters up onto comparable terms to ex-public-sector colleagues – not trying to 'level down' by moving transferred staff onto worse terms.

5. Campaign for insourcing

- ☐ Support union campaigns urging public bodies to bring services back in-house to fix two-tier workforces, improve staff morale, and raise service quality. Unison's bargaining for insourcing guide can help with your campaign.