

The Railways Bill (2025) – Report Stage

1. Top lines

- TSSA strongly supports public ownership of the Train Operating Companies (TOCs) and the creation of Great British Railways. The Railways Bill is a crucial step towards that. We want GBR to succeed; railway workers should be the biggest cheerleaders for the change.
- However, the Government's approach risks alienating our members. What should be a good news story for transport workers has in practice meant potentially thousands of job losses; attacks on travel concessions; a lack of transparency; and, in one case, even derecognition of TSSA.
- Rather than cuts and job losses, GBR is a once in a generation opportunity to build a railway that works for everyone – staff and passengers. A just transition for railway workers should be at the heart of that.
- In this briefing, we pick up on four areas of concern: protecting jobs, pensions, services, and workers rights in the transition

2. Background – ‘Get Britain Moving’ and the Railways Bill

- Before their election, Labour's ‘Get Britain Moving’ strategy pledged to take TOCs into public ownership, combining them with Network Rail under a new ‘guiding mind’ for rail – Great British Railways (GBR). TSSA has been campaigning for the public ownership of the railways since the mid-90s, shortly after they were first privatised, and strongly supports this agenda.
- Following the election of the Labour Government and the subsequent passage of the Passenger Railway Service (Public Ownership) Act 2024, that process has begun. Eight TOCs are currently publicly owned by the Department for Transport Train Operator (DfTO). The rest are due to follow in the coming 2-3 years (we expect) based on the expiration of the contract with the current franchise holder.
- GBR will integrate the TOCs held by DfTO with Network Rail, which is already publicly owned and responsible for maintaining railway infrastructure (stations, track, signalling, telecoms etc.).
- The Railways Bill will bring GBR into being, setting out its functions and duties, how it will be licensed, access to the rail network, and the new regulatory regime for the railways.
- While the function of the legislation is to create GBR, note that the process of integration is already in process. For example, the new Anglia Railways integrates Greater Anglia, routes in Network Rail's Eastern region, and C2C under one entity. Significant questions remain about how these entities will roll into the new structures, and what the mechanism for transitioning DfTO-held companies into GBR will be.

3. Protecting jobs

- We are clear that the transition to GBR is an opportunity to boost good, unionised jobs in the rail sector, not to impose job cuts.
- However, in the run-up to last Spring's fiscal event, unnamed sources at the DfT threatened thousands of job losses due to what they erroneously believe to be "duplication" of roles across different organisations in the transition to GBR. We were assured by DfT officials that nothing of this kind was anticipated.
- However, now, around 870 staff at Network Rail staff are at risk of redundancy due to so called “efficiency savings”. The job losses are projected to hit across the country.
- Network Rail officials have framed these cuts explicitly in relation to the transition to GBR, for example, saying that ‘we are... evaluating what needs to be done to get Route Services ready for GBR.’
- The cuts have also meant that contracts with external companies carrying out work for Network Rail have been scaled back, resulting in job cuts at companies such as Balfour Beatty CRSA and VolkerRail.
- Separately, we are particularly concerned about a contract to deliver Network Rail Eastern Region Engineering Contract (EREC) which was previously with Bridgeway Consulting and was awarded to QTS on 1 April 2026. Bridgeway staff employed to work on the contract were therefore TUPE transferred to QTS. However, QTS has subsequently sub-contracted EREC to a separate company, Vames, leaving the former Bridgeway staff (skilled engineers) without work. QTS has made some of these staff, who are TSSA

members, redundant (only where they have less than 2 years' service). Others have been allocated to occasional and random roles, including labouring jobs. For that reason, we are supporting amendment 35 and 36, which ensure that GBR performs its duties in a way that maximises insourcing and integration of the rail workforce

- We have also seen job losses at Southeastern due to the integration of the train operating company and parts of Network Rail's Southern region in preparation for movement into GBR.
- At a time when rail should be expanding to boost economic growth and meet our climate obligations, it is flatly wrong to say that the transition to GBR should mean job losses. The opposite is true.
- TSSA strongly supports public ownership – but it must be used as the opportunity to invest in rail infrastructure and level up the sector for passengers and workers, not to cut pay, degrade terms and conditions, or impose lay-offs.

4. Protecting pensions

- Currently, the Shared Cost Final Salary Defined Benefit Railways Pension Scheme (RPS) has 100,962 'active' members (i.e., contributing to the scheme). Many will be affected by the creation of GBR because they are either current employees of Network Rail or TOCs.
- TSSA are surprised that the Railways Bill makes no reference to whether the scheme will continue.
- In contrast, Section 134 and Schedule 11 of the Railways Act 1993 set out how pensions would be provided at privatisation, including through protected status described in more detail in the Railway Pensions (Protection and Designation of Schemes) Order 1994.
- These provisions protected the pension of everyone in the RPS at Midnight of 4 November 1993 through the TUPE into private ownership and any future TUPE. Those who joined the RPS after 4 November 1993 were not protected.
- While the Pensions Act 2004 TUPE does provide some protections, alongside some case law from the EU for early retirement arrangements, existing TUPE legislation does not cover pensions.
- For those who were not protected by the 1993 Act, the experience of TUPE transfers of staff pensions has been varied. For TOCs on a franchise change, it has meant pensions are transferred and benefits protected in full (as we have seen in the moves from the private to public sector) but where a group of staff are transferred, those without protection can be taken out of the RPS (although their accrued benefits will be preserved). This was the case for LNER engineering staff transferring to Hitachi, for example.
- In the transfer to GBR, the Government has said that they are committed to an approach governed by the Cabinet Office Statement of Practice, but it is unclear about how this will protect pensions. In answer to written questions, Ministers have said that 'we plan for the Railways Pension Scheme to continue to be the primary vehicle through which most rail employees build up their pension provision. This includes those employees who started working post-1993'. However, there has been no commitment to protect the terms of the scheme for those who joined after 4 November 1993.
- This means that the current Bill (a Labour Government Bill) proposing a transfer into public ownership does not go as far as the 1993 Act (a Tory Act) did transferring staff out of public ownership and into the hands of privateers regarding the protection of union members pensions.
- In a similar manner to the Railways Act 1993, TSSA would like to see guarantees on the face of the Bill that the pensions will be protected, and that future GBR employees will be able to join the RPS on the same terms and conditions. To that end, we strongly support NC27.

5. Protecting services

- Despite the Bill containing significant chapters on the new regulatory regime for the railways, processes for holding GBR to account for the provision of services remains unclear.
- In 2023, TSSA strongly opposed Conservative Government attempts to close ticket offices. Mass opposition to the closures was registered through a consultation process mandated by Schedule 17.
- Schedule 17 is an agreement between TOCs and the Rail Delivery Group (RDG) on the services that must be provided to passengers. Significant changes to these services require public consultation.

- The Railways Bill abolishes the RDG and will bring the TOCs together under GBR, potentially ending Schedule 17 service agreements by eliminating the two parties involved.
- It is unclear, therefore, whether there will be a statutory duty to consult with the public on any significant alteration to the provision of services – a duty which, in the case of ticket offices, is a proven mechanism for preventing damaging changes to the railways. For that reason, we are supporting amendments 51, 52 & 58.

6. Protecting workers rights

- TSSA strongly support the Government's 'Make Work Pay' agenda and provisions in the new Employment Rights Act (2025). At the heart of Make Work Pay is the recognition of the importance of trade unions in safeguarding and advancing the rights of workers, and therefore of recognising trade unions as their collective voice in the workplace.
- Currently, a significant obstacle for rail workers is an unwillingness by some TOCs to establish voluntary collective bargaining agreements. The fragmentation of the railways has meant that collective bargaining arrangements across the entire sector can be incredibly patchy.
- Prior to privatisation TSSA had recognition for management grades across British Rail detailed within the 1992 Procedure Agreement. Post privatisation parts of this agreement were chipped away at through derecognition within individual train operating companies. Public ownership is the opportunity for the wrongs of privatisation to be corrected and for recognition to be restored to all management grades. When this has been raised with industry figures the response we have received so far can be described as apathetic at best and hostile at worst.
- The movement to GBR presents a key opportunity to institute collective bargaining agreements covering every worker in the new company. We were therefore astounded to hear that TSSA has been derecognised for workers at Network Rail who are TUPEing across into the Network Rail subsidiary, Platform4, prior to movement into GBR.
- Platform4 is a wholly owned subsidiary of Network Rail. It is a property development company that will change under-used railway land into housing and is therefore in the scope of the transition into GBR.
- The reason given for TSSA's derecognition was that '[Platform4] does not currently recognise any trade unions for collective bargaining purposes... Trade union recognition will not transfer from NRIL to LCR/Platform4 and therefore the existing collective bargaining arrangements with NRIL will no longer apply'.
- It sends a worrying message that a wholly owned subsidiary of Network Rail is actively blocking the transfer of long-standing recognition agreements.
- In written correspondence with the Minister for Rail, TSSA has been told that 'it remains too early in the design of GBR to confirm what its collective bargaining arrangements will look like'. We consider that collective bargaining arrangements are being written *now* by decisions such as the above.
- Without a clear set of principles governing the transition of workers in the here and now, the Government risks settling the question of 'what collective bargaining arrangements will look like' before it has ever been properly asked, presenting it as a *fait accompli*.
- More recently, in reply to written questions asking about instituting standard processes for trade recognition in the transition from private TOCs to DfTO, Ministers replied simply that 'recognition of trade unions and provision of facility time is a matter for train operating companies as employers'.
- We strongly disagree with this answer. For the Government of the Employment Rights Act, it should be a foundational principle that all the workplaces over which it ultimately presides recognise a trade union. This principle should be enacted in all TUPE transfers from private into public ownership happening now – and not for discussion at some later date. For that reason, we are supporting NC26, and amendments 35, 36, and 64.

7. More information

For more information or to arrange a meeting, please contact TSSA Political Officer, Sam Browse, on browses@tssa.org.uk.