

Worker Protection (Amendment of Equality Act 2010) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS NOAKES

Clause 1, page 1, line 7, after “party” insert “intentionally”

BARONESS NOAKES

Clause 1, page 1, line 8, leave out “all”

BARONESS NOAKES

Clause 1, page 1, line 13, leave out from beginning to end of line 3 on page 2 and insert –

“(1C) The following are not to be treated as harassment for the purposes of subsection (1A) unless they have the purpose of violating B’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for B–

- (a) a conversation in which B is not a participant;
- (b) a speech which is not aimed specifically at B;
- (c) a conversation or speech involving the expression of an opinion on a political, moral, religious or social matter.”

BARONESS NOAKES

Clause 1, page 2, line 2, leave out “all”

Clause 2

BARONESS NOAKES

Clause 2, page 2, line 27, leave out “all”

After Clause 5

BARONESS NOAKES

After Clause 5, insert the following new Clause—

“Report on evidence of harassment

- (1) The Secretary of State must prepare a report on the evidence that harassment has occurred in the workplace in England, Wales and Scotland in the 5 years preceding the Act being passed.
- (2) The report must deal with—
 - (a) the nature of the harassment that has occurred;
 - (b) the persons who have carried out the harassment;
 - (c) the extent to which the provisions of the Equality Act 2010 did not cover the harassment.
- (3) The report must be laid before each House of Parliament.”

BARONESS NOAKES

After Clause 5, insert the following new Clause—

“Annual report

- (1) The Secretary of State must prepare an annual report on the impact that this Act has had on—
 - (a) employers,
 - (b) employees, and
 - (c) any other persons who have been affected by the Act.
- (2) The report must include an analysis of cases involving the provisions of the Act which have been considered by an employment tribunal.
- (3) The first report must cover the period from the date that the Act comes into force until the end of the following calendar year and subsequent reports must cover subsequent calendar years.
- (4) The report must be laid before each House of Parliament within 3 months of the date to which the report has been prepared.”

BARONESS NOAKES

After Clause 5, insert the following new Clause—

“Guidance for employers

- (1) Within 6 months of the Act coming into force, the Secretary of State must prepare guidance for employers on the steps which would be regarded as reasonable for the purposes of section 40(1A)(b) and section 40A(1) of the Equality Act 2010.

- (2) The Secretary of State must publish the guidance and any revision of the guidance.
- (3) The Secretary of State must lay a draft of the guidance and any revision of the guidance before each House of Parliament.”

BARONESS NOAKES

After Clause 5, insert the following new Clause –

“Freedom of speech

- (1) The Secretary of State must keep the effect of this Act on freedom of speech under review.
- (2) If the Secretary of State considers that freedom of speech has been negatively impacted by the Act, the Secretary of State must lay a written statement before each House of Parliament setting out what actions are planned to mitigate or eliminate that impact.”

Clause 6

BARONESS NOAKES

Clause 6, page 4, line 11, leave out subsection (3) and insert –

- “(3) Sections 1 to 5 come into force on such day as a Minister of the Crown may by regulations appoint provided that the day may not be before 6 months after the report required by (*Report on evidence of harassment*) has been laid before each House of Parliament.”

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