

Employment Rights Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including
31 March 2025*

The amendments are listed in accordance with the following Instruction –

Clauses 1 to 4	Clauses 58 to 87
Schedule 1	Schedule 7
Clauses 5 and 6	Clauses 88 to 128
Schedule 2	Schedule 8
Clauses 7 to 23	Clauses 129 to 132
Schedule 3	Schedule 9
Clauses 24 to 35	Clauses 133 to 146
Schedule 4	Schedules 10 and 11
Clauses 36 to 53	Clauses 147 to 149
Schedule 5	Schedule 12
Clauses 54 to 57	Clauses 150 to 157
Schedule 6	Title

[Amendments marked ★ are new or have been altered]

Clause 1

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- ★ Clause 1, page 2, line 30, leave out from “for” to end of line 32 and insert “two hours or fewer per week (“the minimum number of hours”)”

Member's explanatory statement

This amendment defines the minimum number of hours for the purposes of section 27BA.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- ★ Clause 1, page 3, line 5, after “not” insert “on a fixed-term contract or”

Member's explanatory statement

This amendment will exempt a worker on fixed-term contracts from being categorised as a “qualifying worker”.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 1, page 3, line 5, leave out from second “worker” to end of line 7

Member's explanatory statement

This amendment is consequential on the amendment that removes the ability of the Secretary of State to make regulations to make provision for agency workers to have similar provision to the right to guaranteed hours.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 1, page 3, line 21, leave out “with the specified day” and insert “18 months after the day on which the period began”

Member's explanatory statement

This amendment defines each initial reference period as being 18 months long.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 1, page 3, line 23, leave out “beginning and ending with the specified days” and insert “of 18 months”

Member's explanatory statement

This amendment defines each subsequent reference period as being 18 months long.

Clause 4

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

★ Clause 4, page 30, leave out lines 5 and 6

Member's explanatory statement

This amendment, along with another in the name of Lord Sharpe of Epsom, removes the ability of the Secretary of State to make regulations to make provision for agency workers to have similar provision to the right to guaranteed hours.

Schedule 1

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- ★ Schedule 1, page 166, leave out from beginning of line 29 to end of line 43 on page 170

After Clause 8

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- ★ After Clause 8, insert the following new Clause –

“Impact assessment: sections 1 to 8

- (1) The Secretary of State must conduct a review of –
- (a) the impact of sections 1 to 8 on the operation of employment tribunals, and
 - (b) the ability of employment tribunals to manage any increase in applications resulting from those sections.
- (2) The Secretary of State must lay the review made under subsection (1) and the Government’s response to the review before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to conduct a review of the impact on the employment tribunals of the Bill’s provisions on zero hours workers.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- ★ After Clause 8, insert the following new Clause –

“Impact assessment: sections 1 to 8 (No. 2)

The Secretary of State must, within six months of the day on which this Act is passed, publish and lay before Parliament an assessment of the expected impact of sections 1 to 8 on –

- (a) the hospitality sector,
- (b) the retail sector, and
- (c) the health and social care sector.”

Member's explanatory statement

This new clause requires the Government to publish an impact assessment on the impact of sections 1-8.

After Clause 9

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

★ After Clause 9, insert the following new Clause –

“Consultation and assessment on the rights to flexible working

- (1) The Secretary of State must carry out an assessment of the likely impact of the right to request flexible working provided for in section 9 of this Act.
- (2) As part of the assessment, the Secretary of State must carry out a consultation on the proposed right to request flexible working.
- (3) The assessment must –
 - (a) include labour market and broader macroeconomic analysis,
 - (b) examine the impact of the measures in section 9 on employment, wages and economic output,
 - (c) consider the likelihood of the costs of flexible working measures being passed on to employees through lower wages, and
 - (d) examine the likely effect of the right to request flexible working on –
 - (i) productivity,
 - (ii) wage growth,
 - (iii) equality of opportunity,
 - (iv) job security,
 - (v) economic activity, and
 - (vi) employment.
- (4) A report setting out the findings of the assessment must be laid before each House of Parliament 18 weeks after the consultation has been initiated.”

Member's explanatory statement

This new clause requires the Secretary of State to assess the impact of the provisions of Clause 9.

After Clause 22

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

After Clause 22, insert the following new Clause –

“Employer duties on harassment: impact assessment

- (1) The Secretary of State must carry out an assessment of the likely impact of sections 19 to 22 of this Act on employers.
- (2) The assessment must report on the extent to which the prevalence of third-party harassment makes the case for measures in sections 19 to 22 and –
 - (a) include an assessment of the impact of sections 19 to 22 on free speech;

- (b) include an assessment of the likely costs to employers of sections 19 to 22;
- (c) include –
 - (i) an assessment of which occupations might be at particular risk of third-party harassment through no fault of the employer, and
 - (ii) proposals for mitigations that can be put in place for employers employing people in such occupations.
- (3) The Secretary of State must lay a report setting out the findings of the assessment before Parliament.”

Member's explanatory statement

This new clause requires the Secretary of State to assess the impact of the provisions of Clauses 19 to 22.

BARONESS KRAMER

★ After Clause 22, insert the following new Clause –

“Non-disclosure agreements: harassment

- (1) Any provision in an agreement to which this section applies is void insofar as it purports to preclude the worker from making a relevant disclosure.
- (2) This section applies to any agreement between a worker and the worker’s employer (whether a worker’s contract or not), including any proceedings for breach of contract.
- (3) In this section, a “relevant disclosure” means any disclosure of information which, in the reasonable belief of the worker making the disclosure, shows that harassment has been committed, is being committed or is likely to be committed, by a fellow worker or a client of the employer.
- (4) In this section, “harassment” means any act of harassment as defined by section 26 of the Equality Act 2010.”

Member's explanatory statement

This new clause would render void any non-disclosure agreement insofar as it prevents the worker from making a disclosure about harassment (including sexual harassment).

After Clause 23

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

After Clause 23, insert the following new Clause –

“Unfair dismissal: impact assessment

- (1) The Secretary of State must carry out an assessment of the likely impact of section 23 and Schedule 3 of this Act on –
 - (a) employers, and

- (b) the economy.
- (2) The assessment must –
 - (a) include labour market and broader macroeconomic analysis,
 - (b) examine the impact of the measures in section 23 and Schedule 3 of this Act on employment, wages and economic output,
 - (c) consider the likelihood of the dismissal measures leading to lower employment, and greater use of temporary contracts, and
 - (d) examine the likely effect of section 23 and Schedule 3 of this Act on –
 - (i) productivity,
 - (ii) wage growth,
 - (iii) equality of opportunity,
 - (iv) job security,
 - (v) economic activity, and
 - (vi) employment.
- (3) The Secretary of State must lay a report setting out the findings of the assessment before each House of Parliament.”

Member's explanatory statement

This new clause requires the Secretary of State to assess the impact of the provisions of Clause 23 and Schedule 3.

Schedule 3

BARONESS NEVILLE-ROLFE
 BARONESS NOAKES
 LORD VAUX OF HARROWDEN

Schedule 3, page 190, line 23, leave out “subsections (2) and (3)” and insert “subsection (2)”

Member's explanatory statement

This amendment and others in the name of Baroness Neville-Rolfe would allow an employer to terminate employment during a probation period without giving rise to an unfair dismissal claim.

BARONESS NEVILLE-ROLFE
 BARONESS NOAKES
 LORD VAUX OF HARROWDEN

Schedule 3, page 190, leave out lines 34 to 39

Member's explanatory statement

This amendment and others in the name of Baroness Neville-Rolfe would allow an employer to terminate employment during a probation period without giving rise to an unfair dismissal claim.

BARONESS NEVILLE-ROLFE
BARONESS NOAKES
LORD VAUX OF HARROWDEN

Schedule 3, page 191, line 21, leave out “and (3)”

Member's explanatory statement

This amendment and others in the name of Baroness Neville-Rolfe would allow an employer to terminate employment during a probation period without giving rise to an unfair dismissal claim.

BARONESS NEVILLE-ROLFE
BARONESS NOAKES
LORD VAUX OF HARROWDEN

Schedule 3, page 192, line 9, leave out “and (3)”

Member's explanatory statement

This amendment and others in the name of Baroness Neville-Rolfe would allow an employer to terminate employment during a probation period without giving rise to an unfair dismissal claim.

BARONESS NEVILLE-ROLFE
BARONESS NOAKES
LORD VAUX OF HARROWDEN

Schedule 3, page 193, line 19, leave out “and (3)”

Member's explanatory statement

This amendment and others in the name of Baroness Neville-Rolfe would allow an employer to terminate employment during a probation period without giving rise to an unfair dismissal claim.

BARONESS NEVILLE-ROLFE
BARONESS NOAKES
LORD VAUX OF HARROWDEN

Schedule 3, page 194, line 9, leave out “and (3)”

Member's explanatory statement

This amendment and others in the name of Baroness Neville-Rolfe would allow an employer to terminate employment during a probation period without giving rise to an unfair dismissal claim.

After Clause 26

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

After Clause 26, insert the following new Clause –

“Impact assessment: sections 23 to 26 and Schedule 3

- (1) The Secretary of State must conduct a review of –
 - (a) the impact of sections 23 to 26 and Schedule 3 on the operation of employment tribunals, and
 - (b) the ability of employment tribunals to manage any increase in applications resulting from those provisions.
- (2) The Secretary of State must lay the review made under subsection (1) and the Government’s response to the review before Parliament.”

Member's explanatory statement

This new clause would require the Secretary of State to conduct a review of the impact on the employment tribunals of the Bill’s provisions on dismissal.

Clause 59

BARONESS NOAKES

- ★ Clause 59, page 87, line 31, leave out “ten” and insert “two”

Member's explanatory statement

This amendment and others to this Clause in the name of Baroness Noakes reduce the period for opt-out information notices from 10 years to two.

BARONESS NOAKES

- ★ Clause 59, page 87, line 33, leave out “ten” and insert “two”

Member's explanatory statement

This amendment and others to this Clause in the name of Baroness Noakes reduce the period for opt-out information notices from 10 years to two.

BARONESS NOAKES

- ★ Clause 59, page 87, line 34, leave out “ten” and insert “two”

Member's explanatory statement

This amendment and others to this Clause in the name of Baroness Noakes reduce the period for opt-out information notices from 10 years to two.

BARONESS NOAKES

Baroness Noakes gives notice of her intention to oppose the Question that Clause 59 stand part of the Bill.

After Clause 63

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Revised version of the amendment printed on 28 March 2025

★ After Clause 63, insert the following new Clause –

“Facility time: cost assessment

- (1) The Secretary of State must commission an assessment of the cost and prospective cost of the changes made by this Act to –
 - (a) time off and associated payments under sections 168 to 170 of the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (b) implementing section 168B of that Act,in relation to each sector of the economy.
- (2) For the purposes of subsection (1), a sector of the economy means –
 - (a) an area of the economy in which businesses share the same or related business activity, product, or service, or
 - (b) in relation to the public sector, a sector which provides similar or related services.
- (3) The Secretary must lay a report of the assessment commissioned under subsection (1) before each House of Parliament.”

Member's explanatory statement

This new clause requires the Secretary of State to undertake a sectoral cost assessment of trade union facility time.

After Clause 70

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

After Clause 70, insert the following new Clause –

“Workplace intimidation in regard to balloting

- (1) The Employment Relations Act 2004 is amended as follows.
- (2) After section 54(12)(c) insert –
 - “(d) measures are in place to prevent workplace intimidation.””

Member's explanatory statement

This new clause requires the Secretary of State to consider whether there are sufficient measures to be in place to prevent workplace intimidation before they make any order to allow balloting to take place by a means other than by posted ballot.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

After Clause 70, insert the following new Clause –

“Balloting in the workplace

- (1) The Employment Relations Act 2004 is amended as follows.
- (2) After section 54(12) insert –

“(12A) No order may be made under this section that would permit balloting to take place in the workplace.””

Member's explanatory statement

This new clause would prohibit the Secretary of State from making an order to extend the means of voting in trade union ballots and elections that would allow the ballot to be held in the workplace.

Clause 73

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 73, page 100, line 14, at end insert –

“236E Actions short of a strike: exemption

- (1) The right of a worker not to be subjected to detriment under section 236A does not apply in cases where the worker is involved in one or more of the following activities –
 - (a) intimidation at picket lines,
 - (b) protests organised by trade unions in furtherance of a dispute –
 - (i) at the premises of a company,
 - (ii) at the private residences of senior managers, or
 - (iii) at the premises of other organisations that are connected with the dispute,
 - (c) harassment or bullying of non-striking workers, or those who are covering for striking workers,
 - (d) victimisation or harassment of senior managers, or
 - (e) action aimed at damaging property or disrupting business contingency planning.

- (2) The Secretary of State must ensure that the circumstances under subsection (1), in which the right of a worker not to be subjected to detriment do not apply, are set out in a code of practice.”

Member's explanatory statement

This amendment would disapply the right not to suffer detriment as a result of industrial action in certain circumstances.

After Clause 75

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- ★ After Clause 75, insert the following new Clause –

“Section 75: impact assessment

- (1) The Secretary of State must carry out an assessment of the likely impact of section 75 of this Act on the ability of the services listed in section 234B(4) of the Trade Union and Labour Relations Consolidation Act 1992 to provide minimum service levels during strike action.
- (2) The Secretary of State must lay a report setting out the findings of the assessment before each House of Parliament.”

Member's explanatory statement

This new clause requires the Secretary of State to assess the impact of the provisions of Clause 75.

After Clause 83

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- After Clause 83, insert the following new Clause –

“Certification Officer: growth duty

When discharging its general functions, the Certification Officer must, so far as reasonably possible, act in such a way as to advance the following objectives –

- (a) the international competitiveness of the economy of the United Kingdom, and
- (b) its growth in the medium to long term.”

Member's explanatory statement

This new clause would require the Certification Officer to advance the objectives of the international competitiveness of the economy and its growth in the medium to long term.

After Clause 86

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

After Clause 86, insert the following new Clause –

“Right to switch off in relation to trade union representatives

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended in accordance with subsection (2).
- (2) After section 69 (right to terminate membership of trade union), insert –

“69A Right to switch off in relation to trade union representatives

In every contract of membership of a trade union, whether made before or after the coming into force of this section, a term conferring a right on the member to refuse to monitor, read or respond to contact (or attempted contact) by a trade union representative outside their working hours shall be implied.”

Member's explanatory statement

This new clause confers a right to switch off on trade union members in relation to contact from trade union representatives.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

★ After Clause 86, insert the following new Clause –

“Disapplication for businesses with fewer than 250 employees

None of the amendments made by sections 1 to 6, 8 to 13, 27, 55, 56 or 62 apply to businesses with fewer than 250 employees.”

After Clause 140

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

After Clause 140, insert the following new Clause –

“Assessment of the costs of establishing a single labour market enforcement body

- (1) The Secretary of State must lay before Parliament a report containing an assessment of the costs of establishing a single labour market enforcement body under this Part.
- (2) A report under subsection (1) must be published no earlier than a year and no later than 18 months after the passing of this Act.”

Member's explanatory statement

This new clause would require the Secretary of State to conduct a review of the costs of establishing a single labour market enforcement body and to report its findings to Parliament.

After Clause 150

BARONESS PENN

After Clause 150, insert the following new Clause—

“Substitution clauses: duties of company directors

- (1) The director of a relevant company has a duty to ensure that the company keeps a register of all dependent contractors.
- (2) The director must supply details of the register under subsection (1) with the Secretary of State within 12 months of the passing of this Act and every 12 months thereafter, subject to the provisions of the Data Protection Act 2018.
- (3) The Secretary of State may by regulations make provision about what information must be supplied in the register of dependent contractors.
- (4) For the purposes of this section—
 - (a) a “relevant company” is a company that—
 - (i) provides services in relation to postal and courier activities, food and beverage service activities or taxi operation,
 - (ii) has more than 250 employees in the UK and overseas, and
 - (iii) includes provision within the company’s contracts with contractors which allow the contractor to send another qualified person (a “substitute”) to complete the work in the contractor’s place if the contractor is unable to complete the work,
 - (b) a “director” includes any person occupying the position of director, by whatever name called, and
 - (c) “dependent contractor” means a person who—
 - (i) performs work or services for the relevant company,
 - (ii) is paid according to tasks performed rather than hours of work,
 - (iii) depends partially or primarily on the relevant company for employment and income,
 - (iv) is not required to perform services for the relevant company, and
 - (v) is not specified as an employee or worker for the relevant company within a statement of employment particulars or a contract of employment.”

Member's explanatory statement

This amendment seeks to require certain company directors to keep a register of the people carrying out work for the company under so-called ‘substitution clauses’, which allow companies to permit their suppliers – including some delivery couriers – to appoint a substitute to supply services on their behalf.

Clause 153

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 153, page 148, line 31, at end insert—

- “(3A) The Secretary of State must have regard to the following objectives when making any regulations under this Act—
- (a) the international competitiveness of the economy of the United Kingdom, and
 - (b) its growth in the medium to long term.”

Member's explanatory statement

This amendment would require the Secretary of State to have regard to the objective of the international competitiveness of the economy and its growth in the medium to long term when making any regulations under the Act.

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS