

Employment Rights Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

1 April 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

BARONESS NOAKES

- ★ Clause 1, page 2, line 9, after “employer” insert “, other than a small and micro business,”

Member's explanatory statement

This amendment, along with another in the name of Baroness Noakes, takes small and micro businesses (and similarly sized undertakings) out of the ambit of Part 1 of the Bill.

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 19

BARONESS NOAKES

★

After Clause 19, insert the following new Clause—

“Considerations for determination of harassment

- (1) The Equality Act 2010 is amended as follows.

(2) In section 26 (harassment) insert after section (4)(b) –

“(ba) whether the conduct was an isolated incident;”

Member's explanatory statement

This amendment seeks to ensure that in considering whether conduct amounts to harassment, the duration of it is taken into account.

Clause 21

BARONESS NOAKES

★ Clause 21, page 43, line 2, leave out “sexual”

Member's explanatory statement

This amendment, and others in the name of Baroness Noakes, convert a power to make provision about reasonable steps into a requirement, extend the coverage of the steps to all forms of harassment and give protection to employers which follow those steps.

BARONESS NOAKES

★ Clause 21, page 43, line 5, at end insert –

“(3A) An employer may not be treated as permitting harassment under section 40 or sexual harassment under section 41 if the employer establishes that the steps specified in the regulations have been carried out.”

Member's explanatory statement

This amendment, and others in the name of Baroness Noakes, convert a power to make provision about reasonable steps into a requirement, extend the coverage of the steps to all forms of harassment and give protection to employers which follow those steps.

BARONESS NOAKES

★ Clause 21, page 43, leave out lines 7 and 8 and insert –

““harassment” means harassment of the kind defined in section 26 (harassment)”

Member's explanatory statement

This amendment, and others in the name of Baroness Noakes, convert a power to make provision about reasonable steps into a requirement, extend the coverage of the steps to all forms of harassment and give protection to employers which follow those steps.

BARONESS NOAKES

★ Clause 21, page 43, line 12 leave out “sexual”

Member's explanatory statement

This amendment, and others in the name of Baroness Noakes, convert a power to make provision about reasonable steps into a requirement, extend the coverage of the steps to all forms of harassment and give protection to employers which follow those steps.

After Clause 22

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD JACKSON OF PETERBOROUGH

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.

BARONESS NOAKES

★ After Clause 26, insert the following new Clause—

“Small and micro businesses

- (1) The provisions of and amendments made by this Part do not apply to small and micro businesses.
- (2) Small and micro businesses are as defined in section 33 of the Small Business, Enterprise and Employment Act 2015.”

Member's explanatory statement

This amendment takes small and micro businesses (and similarly sized undertakings) out of the ambit of Part 1 of the Bill.

Clause 31

BARONESS FOX OF BUCKLEY

Baroness Fox of Buckley gives notice of her intention to oppose the Question that Clause 31 stand part of the Bill.

Member's explanatory statement

This amendment removes the provisions to make regulations requiring employers to have equality action plans.

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.

Clause 62

BARONESS FOX OF BUCKLEY

Baroness Fox of Buckley gives notice of her intention to oppose the Question that Clause 62 stand part of the Bill.

Member's explanatory statement

This amendment removes the provisions that force employers to allow employees time off for being an equality representative, and also force employers to pay for certain things for employees on that time off.

After Clause 63LORD 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
LORD JACKSON OF PETERBOROUGH

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.”

LORD FOX

★ After Clause 86, insert the following new Clause –

“Review into the impact on small businesses

- (1) The Secretary of State must, within six months of the passage of this Act, lay before Parliament a review on the impact of Part 4 (Trade Unions and Industrial Action, etc) of this Act on small and medium-sized enterprises.
- (2) The review under subsection (1) must have regard to –
 - (a) administrative costs,
 - (b) legal costs, and
 - (c) tax changes affecting small and medium-sized enterprises taking effect from the 2025-26 financial year.
- (3) For the purposes of this section, small and medium-sized enterprises are businesses employing 250 or fewer employees.”

Member's explanatory statement

This new clause would require the Secretary of State to publish a review on the impact of Part 4 of this Bill on SMEs within six months of the passage of this Act.

Clause 91

BARONESS NOAKES

★ Clause 91, page 109, line 37, at end insert –

“(ba) separately analyses and sets out a proposal for small and micro businesses, and”

Member's explanatory statement

This amendment ensures that the enforcement strategy covers small and micro businesses.

Clause 113

BARONESS NOAKES

★ Clause 113, page 124, line 32, after “may,” insert “if the Secretary of State considers that it is in the public interest,”

Member's explanatory statement

This amendment ensures that there is a public interest in the Secretary of State pursuing a tribunal case where the worker does not wish to do so.

After Clause 115

LORD FOX

★ After Clause 115, insert the following new Clause –

“Legal aid in employment tribunals

- (1) The Secretary of State must, within six months of the day on which this Act is passed, lay before Parliament a report on the options for expanding the right to legal aid in employment tribunals.
- (2) The report under subsection (1) must consider –
 - (a) the impact of employers' compliance with measures contained within this Act; and
 - (b) the impact on employees' personal finances.”

Member's explanatory statement

This new clause would require the Secretary of State to report on the impact of expanding the right to legal aid in employment tribunals within 6 months of the passage of this Act.

After Clause 140LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD JACKSON OF PETERBOROUGH

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.

BARONESS CHAKRABARTI

★ After Clause 140, insert the following new Clause –

“Secretary of State: equal pay enforcement function

- (1) Payroll and other company information required by HMRC for the purposes of taxation may be used by the Secretary of State for the purpose of monitoring compliance with the equal pay duty under the Equality Act 2010.
- (2) The Secretary of State may conduct more detailed investigations into equal pay compliance on the basis of such monitoring of payroll and other information and an employer must take all reasonable steps to cooperate.
- (3) In the event that the Secretary of State is of the view that a particular employer is in breach of its duties to provide equal pay for like, equivalent or work of equal value, they may –
 - (a) issue a private notice to the employer, advising of that view and recommending rectifying measures in relation to past discriminatory pay or future pay practices and policy,
 - (b) issue a public notice with the type of advice set out in paragraph (a) above, or
 - (c) seek such relief as would be open to individual employees in the appropriate court or tribunal, on their behalf.
- (4) A court or tribunal finding in favour of such an application may, in addition to awarding appropriate compensation to victims of discriminatory pay practice, impose a civil penalty, not exceeding 10% of the employer’s annual turnover, as it finds appropriate in all the circumstances.
- (5) The Secretary of State may employ algorithmic technology including artificial intelligence software in the monitoring of equal pay compliance but must provide any court or tribunal in which relief is sought, with details of any relevant software and evidence of the effective functioning of the computer system employed in the monitoring and investigation of the employer in question.”

Member's explanatory statement

This amendment seeks to probe why equal pay laws have been left to individual employees to enforce by personal litigation, and how an element of state enforcement might assist such employees in achieving their rights to equal pay as provided for under the Employment Act 2010.

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.

BARONESS CHAKRABARTI

★

After Clause 150, insert the following new Clause –

“Non-disclosure agreements relating to illegal conduct

- (1) A provision of an employment contract or other agreement between current or former parties to such a contract is voidable in the public interest if it seeks to prevent disclosure, by either party, of conduct by the employer, or in the workplace, which may be contrary to law.
- (2) A court considering whether to void such a contract or other agreement in the public interest, must consider all the circumstances including –
 - (a) the severity of any alleged, proven, or admitted illegal conduct, including the veracity of any allegations,

- (b) whether all parties to the contract or agreement were in receipt of independent legal advice before entering into it,
 - (c) the views of parties to the contract or agreement, and
 - (d) so far as reasonably ascertainable, the views of any victim of the alleged, proven or admitted illegal conduct, whether or not the victim was a party to the contract or agreement.
- (3) In the event that a court determines to void a provision under this section, it retains discretion on the issue of whether or not to order repayment of all or any financial consideration made between the parties.
- (4) This section does not affect any other statute or principle of common law providing for a non-disclosure agreement to be void or voidable in the public interest or as a matter of public policy.”

Member's explanatory statement

This amendment seeks to make express provision for court discretion to void non-disclosure clauses in employment contracts and to order restitution of all or part of any sums paid in consideration of any such agreements.

LORD FOX

★ After Clause 150, insert the following new Clause –

“Employment Law Compliance Code of Practice

- (1) The Secretary of State must prepare and publish a code of practice containing comprehensive guidance for employers on compliance with the provisions of this Act.
- (2) The code of practice must include –
- (a) information relevant to different types of employers, including but not limited to –
 - (i) small and medium-sized enterprises, with tailored guidance reflecting their resource constraints;
 - (ii) public sector employers, including local and central government bodies;
 - (iii) private sector employers, including multinational corporations and small businesses;
 - (iv) charities and not-for-profit organisations, recognising their distinct operational structures;
 - (b) best practice recommendations for ensuring compliance with the provisions of this Act, including but not limited to –
 - (i) fair recruitment and employment practices, including transparent job advertisements, selection processes, and accessible application procedures;
 - (ii) effective employee engagement and consultation, including mechanisms for collective bargaining, and staff representation;

- (iii) measures to prevent discrimination and promote workplace equality, including inclusive policies, diversity training, and reasonable accommodations for employees with disabilities;
 - (iv) transparent grievance and dispute resolution procedures, ensuring employees have clear pathways to raise concerns and seek redress without fear of retaliation;
 - (v) regular compliance training for employers and employees, including industry-specific modules and refresher courses to adapt to legal updates;
 - (c) procedures for monitoring and reporting compliance, including internal audit requirements, external inspections, and the submission of compliance statements to relevant authorities;
 - (d) guidance on enforcement mechanisms and potential penalties for non-compliance, specifying the roles of regulatory bodies, available sanctions, and remedial measures employers can take to rectify breaches; and
 - (e) case studies and practical examples to illustrate how compliance can be effectively implemented across different sectors.
- (3) Before publishing the code of practice, the Secretary of State must consult with—
- (a) representatives of employers, including sector-specific organisations and business advocacy groups,
 - (b) trade unions and employee representatives to ensure balanced guidance that reflects workforce concerns, and
 - (c) other relevant stakeholders, including legal experts, equality bodies, and regulatory agencies.
- (4) The code of practice must also provide guidance for enforcement agencies with powers under this Act related to employment law.
- (5) The Secretary of State must lay a copy of the code of practice before each House of Parliament within six months of the day on which this Act comes into force.
- (6) The Secretary of State must review and, if necessary, update the code of practice at least once every five years, ensuring it remains aligned with evolving employment practices and legislative developments.”

Member's explanatory statement

This amendment requires the Secretary of State to publish a code of practice providing employers with guidance on complying with the Act. It sets out best practices, compliance monitoring, and enforcement procedures while ensuring consultation with key stakeholders. The code must be reviewed at least every five years to remain up to date.

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.

Employment Rights Bill

RUNNING LIST OF ALL
AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

1 April 2025

1 April 2025

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS