

# Employment Rights Bill

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## RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including  
2 April 2025*

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*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 42, line 28, leave out “sexual”

BARONESS NOAKES

★ Clause 21, page 42, line 28, leave out “power” and insert “requirement”

BARONESS NOAKES

★ Clause 21, page 42, line 29, leave out “may” and insert “must”

BARONESS NOAKES

★ Clause 21, page 42, line 32, leave out “sexual”

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  
BARONESS JONES OF MOULSECOOMB

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).*

BARONESS SMITH OF LLANFAES

★

After Clause 22, insert the following new Clause —

**“Duty to prevent violence and harassment in the workplace**

- (1) Section 2 of the Health and Safety at Work etc. Act 1974 (general duties of employers to their employees) is amended as follows.
- (2) After subsection (2)(e) insert —
  - “(f) the adoption of proactive and preventative measures to protect all persons working in their workplace from violence and harassment, including —
    - (i) gender-based violence;
    - (ii) sexual harassment;
    - (iii) psychological and emotional abuse;
    - (iv) physical and sexual abuse;
    - (v) stalking and harassment, including online harassment;
    - (vi) threats of violence.”
- (3) After subsection (3) insert —
  - “(3A) It shall be the duty of every employer to prepare, and as often as may be appropriate revise, an assessment to identify potential risks of violence

and harassment in the workplace and implement policies and procedures to eliminate these risks so far as is reasonably practicable.

- (3B) It shall be the duty of every employer to provide training to all employees on recognising and preventing violence and harassment in the workplace, with a focus on gender-responsive approaches.
- (3C) In subsection (3B) a “gender-responsive approach” means taking into account the various needs, interests, and experiences of people of different gender identities, including women and girls, when designing and implementing policies and procedures.
- (3D) In this section, “persons working in their workplace” includes –
  - (a) employees,
  - (b) full-time, part-time, and temporary workers, and
  - (c) interns and apprentices.
- (3E) In subsection (2)(f) and subsections (3A) and (3B), a reference to the workplace includes remote and hybrid work environments.”

***Member's explanatory statement***

*This new clause will amend the Health and Safety at Work etc. Act 1974 to place a duty on employers to protect all those working in their workplace from gender-based violence and harassment.*

BARONESS SMITH OF LLANFAES

★

After Clause 22, insert the following new Clause –

**“Expanded duties of the Health and Safety Executive**

In the Health and Safety at Work etc. Act 1974, after section 11 (functions of the Executive) insert –

**“11ZA Duties of the Executive: health and safety framework on violence and harassment**

- (1) It shall be the duty of the Executive to develop, publish and as often as may be appropriate revise a health and safety framework on violence and harassment in the workplace.
- (2) This framework shall include specific provisions relating to –
  - (a) the prevention of gender-based violence and harassment of those in the workplace including the prevention of physical, emotional, and psychological abuse;
  - (b) the duty of employers to create safe and inclusive workplaces and the preventative measures they must adopt;
  - (c) the use of monitoring and enforcement mechanisms to ensure compliance with the duty of the employer in relation to violence and harassment (see section 2(2)(f)).



- (3) The Executive shall work with other relevant bodies, including the Equality and Human Rights Commission and law enforcement agencies, to develop and revise this framework.

### **11ZB Duties of the Executive: guidance for employers**

The Executive shall, in consultation with such other persons as it considers to be relevant, issue guidance for employers about the protection of those facing violence and harassment on the basis of gender in the workplace by –

- (a) implementing workplace policies to prevent violence and harassment;
- (b) establishing confidential reporting mechanisms to allow victims to report incidents;
- (c) conducting risk assessments and ensuring compliance with the health and safety framework (see section 11ZA);
- (d) reporting and addressing incidents of violence and harassment;
- (e) supporting victims of violence and harassment, including making accommodations in the workplace to support such victims.””

#### ***Member's explanatory statement***

*This new clause will create a duty on the Health and Safety Executive to develop a health and safety framework on violence and harassment and to issue guidance for employers about the protection of those facing violence and harassment on the basis of gender in the workplace.*

### **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.*

**After Clause 34**

LORD WILLS

BARONESS JONES OF MOULSECOOMB

★

After Clause 34, insert the following new Clause —

**“Duty on employers to investigate protected disclosures**

- (1) Part IVA of the Employment Rights Act 1996 (protected disclosures) is amended in accordance with subsection (2).
- (2) In section 43C (Disclosure to employer or other responsible person), after subsection (2) insert—
  - “(3) Employers must take reasonable steps to investigate any disclosure made to them under this section.
  - (4) Employers with—

- (a) 50 or more employees,
  - (b) an annual business turnover or annual balance sheet total of £10 million or more,
  - (c) operations in financial services, or
  - (d) vulnerabilities in other respects to money laundering or terrorist financing,

must establish internal channels and procedures for reporting and managing qualifying disclosures.
- (5) The calculation of the number of employees under subsection (4)(a) includes employees of all franchises, subsidiaries and associated employers as defined under section 231 of this Act.
- (6) The Secretary of State must, within six months of the commencement of this provision, set out in statutory guidance what “reasonable steps” under subsection (3) should include.”
- (3) Part V of the Employment Rights Act 1996 (protection from suffering detriment in employment) is amended in accordance with subsections (4) and (5).
- (4) In section 48 (Complaints to employment tribunals), after subsection (1B), insert –
  - “(1C) A worker may present a complaint to an employment tribunal that the worker’s employer has failed to comply with the duty in section 43C (Disclosure to employer or other responsible person).”
- (5) In section 49 (Remedies), after subsection (1A), insert –
  - “(1B) Where an employment tribunal is satisfied that an employer has contravened the duty set out in section 43C (Disclosure to employer or other responsible person), the tribunal –
    - (a) must make a declaration to that effect, and
    - (b) may make an award of compensation to be paid by the employer to the complainant in respect of the failure and may increase any award payable to the complainant by no more than 25%. ””

***Member's explanatory statement***

*This clause creates a new requirement for all employers to investigate whistleblowing concerns. The current legal protection is that it only provides an after-the-event remedy for whistleblowers who are harmed but says nothing about what an employer should do or have in place when the whistle is blown.*

LORD WILLS  
BARONESS JONES OF MOULSECOOMB

★

After Clause 34, insert the following new Clause –

**“Whistleblowers: protected disclosures**

- (1) In Section 103A of the Employment Rights Act 1996, omit “, if more than one, the principal reason” and insert “one of the reasons”.

- (2) In Section 128(2) of the Employment Rights Act 1996, after “days”, insert “or fourteen days for cases involving a protected disclosure under Section 103A”.”

***Member's explanatory statement***

*This amendment would slightly extend the circumstances in which an employee is considered unfairly dismissed after making a protected disclosure.*

LORD WILLS  
BARONESS JONES OF MOULSECOOMB

- ★ After Clause 34, insert the following new Clause —

**“Extending the definition of worker for whistleblowing**

In section 43K(1) (Extension of meaning of “worker” etc. for Part IVA) of the Employment Rights Act 1996, after paragraph (cb), insert —

- “(cc) works or worked as a self-employed contractor,
- (cd) works or worked as a sub-postmaster,
- (ce) is member of the judiciary, non-executive director or a trustee, including a pension trustee,
- (cf) is a trade union representative,
- (cg) has applied for a vacant role as an external applicant and makes a protected disclosure about information obtained during the application process, or”

**Clause 38**

BARONESS BROWNING

- ★ Clause 38, page 62, line 36, at end insert —

- “(ba) the education and training of relevant social care workers, or of relevant social care workers of a specified description;”

***Member's explanatory statement***

*This amendment seeks to clarify that the education and training of social care workers is within the Social Care Negotiating Body's remit.*

**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 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  
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 140**

LORD 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  
BARONESS JONES OF MOULSECOOMB

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  
BARONESS JONES OF MOULSECOOMB

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.*

**Clause 155**

LORD FOX

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Clause 155, page 150, line 12, leave out subsection (1) and insert –

- “(1) Section (*Employment Law Compliance Code of Practice*) and this section come into force on the day on which this Act is passed.
- (1A) The rest of this Act may not come into force until the code of practice referred to in section (*Employment Law Compliance Code of Practice*) is published.”

***Member's explanatory statement***

*This amendment makes the commencement of the Act contingent on the publication of the code in Lord Fox's other amendment.*

# Employment Rights Bill

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## RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including*

*2 April 2025*

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*2 April 2025*

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