

Employment Rights Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

*Tabled up to and including
8 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

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

★ Clause 1, page 2, line 8, leave out “be offered” and insert “request”

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 10, leave out from “27BB” to end of line 14 and insert “if the worker requests it”

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 “four 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.

LORD HOLMES OF RICHMOND

★

Clause 1, page 6, line 20, at end insert —

“(9A) Where the provision in paragraph (9)(c) applies to agency workers, a “temporary need” is defined as a period of no more than 26 weeks.”

Member's explanatory statement

This amendment seeks to define a reasonable maximum period of temporary work for agency workers in primary legislation, with the intention of removing any uncertainty for businesses worried about genuine temporary work being made subject to new zero-hours regulations.

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.

LORD HOLMES OF RICHMOND

★

After Clause 8, insert the following new Clause —

“Prohibition of unpaid work experience for a period exceeding four weeks

- (1) The National Minimum Wage Act 1998 is amended as follows.

- (2) After section 3(3) (exclusion of, and modifications for, certain classes of person) insert –

“(3A) “No provision shall be made under subsection (2)(a) in respect of persons participating in a scheme designed to provide work experience for a continuous or non-continuous period which exceeds four weeks.””

- (3) After section 41 (power to apply Act to individuals who are not otherwise “workers”) insert –

“41A Application of this Act to persons undertaking work experience

- (1) The Secretary of State must, in exercising the powers under section 41, provide that this Act applies to a person undertaking work experience with the same employer for a continuous or non-continuous period which exceeds four weeks.
- (2) The Secretary of State must make regulations in accordance with subsection (1) within a period of six months, beginning with the day on which the Employment Rights Act 2025 is passed.
- (3) Such regulations must provide that a person undertaking such work experience who has ceased to be of compulsory school age, but has not attained the age of 26, is eligible to receive the national minimum wage at the rate specified for workers of the person’s age.
- (4) In this section –
“employer” has the meaning given to it by subsection 54(4) of this Act (Meaning of “worker”, “employee” etc.), and also includes any organisation which provides an individual with work experience;
“work experience” means observing, replicating, assisting with and carrying out any task with the aim of gaining experience of a particular workplace, organisation, industry or work-related activity.””

Member's explanatory statement

This amendment seeks to ensure that unpaid work experience cannot be used to avoid National Minimum Wage regulations.

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 17

BARONESS PENN
BARONESS JONES OF MOULSECOOMB

After Clause 17, insert the following new Clause –

“Statutory paternity leave: length and pay

- (1) The Secretary of State must by regulations amend the rate of pay for statutory paternity pay to make pay –
 - (a) 90% of a father’s salary, or
 - (b) the level of median gross employee earnings in the United Kingdom, defined by the ONS Annual Survey for Hours and Earnings, whichever is lower.
- (2) Regulations under subsection (1) must be published within one year of the day on which this Act is passed.
- (3) Regulations under this section are subject to the affirmative resolution procedure.
- (4) In Section 171ZE(2)(a) of the Social Security Contributions and Benefits Act 1992 (Rate and period of pay), omit “two” and insert “six”.”

Member's explanatory statement

This amendment seeks to increase the length of statutory paternity leave from two to six weeks and increase pay to 90% of a father’s salary or the level of national median wages (whichever is lower).

BARONESS PENN
BARONESS JONES OF MOULSECOOMB

After Clause 17, insert the following new Clause—

“Publication of information about parental leave policies: regulations

- (1) The Secretary of State must make regulations to require any employer with more than 250 employees to publish information on the internet about the employer’s policies on parental leave and pay for parental leave.
- (2) Regulations under subsection (1) must be published within one year of the day on which this Act is passed.
- (3) Regulations under this section are subject to the affirmative resolution procedure.”

Member’s explanatory statement

This amendment seeks to require companies with more than 250 employees to publish information about their parental leave and pay policies.

Clause 20

LORD YOUNG OF ACTON

Clause 20, page 42, line 24, at end insert—

- “(1D) In this section, the definition of “harassment” cannot include conversation or speech involving the expression of an opinion on a political, moral, religious or social matter, provided the opinion is not indecent or grossly offensive.”

Member’s explanatory statement

This amendment means employers would not have to take all reasonable steps to protect their employees from hearing or over-hearing expressions of opinion (from either employers, or third parties) on political, moral, religious or social matters that they might find offensive or upsetting by virtue of their protected characteristics, provided the opinion is not indecent or grossly offensive.

LORD YOUNG OF ACTON
BARONESS DEECH

Clause 20, page 42, line 24, at end insert—

- “(1D) The definition of “harassment” in subsection (1A) cannot include conversation or speech involving the expression of an opinion on a political, moral, religious or social matter, provided the opinion is not indecent or grossly offensive.”

Member’s explanatory statement

This amendment means employers would not have to take all reasonable steps to protect their employees from hearing or over-hearing expressions of opinion from third parties on political,

moral, religious or social matters that they might find offensive or upsetting by virtue of their protected characteristics, provided the opinion is not indecent or grossly offensive.

LORD YOUNG OF ACTON

Clause 20, page 42, line 24, at end insert –

- “(1D) Subsection (1A) does not apply to –
- (a) the hospitality sector,
 - (b) sports venues, or
 - (c) higher education settings.”

Member's explanatory statement

This amendment would exclude hospitality providers, sports venues and higher education settings from the Bill's duties for employers not to permit non-sexual third-party harassment of their employees.

LORD YOUNG OF ACTON

★

Clause 20, page 42, line 24, at end insert –

- “(1D) Subsection (1A) does not apply unless A knows that B has been harassed in the course of B's employment on at least two other occasions and it does not matter whether the third party is the same or a different person on each occasion.”

Member's explanatory statement

This amendment means employers only have to protect their employees from non-sexual third-party harassment if it is repeated three times. It replicates the third-party harassment clause in the Equality Act 2010 that was repealed in 2013.

BARONESS NOAKES

★

Clause 20, page 42, line 24, at end insert –

- “(1D) In deciding whether conduct amounts to harassment under this Section, each of the following must be taken into account –
- (a) the perception of B;
 - (b) the other circumstances of the case;
 - (c) whether it is reasonable for the conduct to have that effect;
 - (d) whether the conduct was an isolated incident.”

LORD YOUNG OF ACTON

Lord Young of Acton gives notice of his intention to oppose the Question that Clause 20 stand part of the Bill.

Member's explanatory statement

This amendment removes the provisions which require employers to protect employees from non-sexual third party harassment.

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
BARONESS GOUDIE

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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

★

After Clause 26, insert the following new Clause —

“Dismissal during probationary period

In section 98(2) of the Employment Rights Act 1996, after paragraph (d) insert the following new paragraph —

- “(e) relates to the failure to pass a probationary period of employment during the initial employment period.””

Member's explanatory statement

This amendment adds failure to pass a probationary period during the initial employment period as a fair reason for dismissal under section 98(2) of the Employment Rights Act 1996.

BARONESS KENNEDY OF THE SHAWS

★

After Clause 26, insert the following Clause —

“Workplace non-disclosure agreements: harassment, sexual misconduct, retaliation and discrimination

- (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 –
- “discrimination” means any act of discrimination (both direct and indirect) as defined by section 26 of the Equality Act 2010 (harassment);
 - “harassment” means any act of harassment as defined by section 26 of the Equality Act 2010;
 - “relevant disclosure” means any disclosure of information which, in the reasonable belief of the worker making the disclosure, shows that harassment (including sexual harassment and misconduct) retaliation or discrimination has been committed, is being committed or is likely to be committed, by an employer, supervisor, fellow worker or client of employer.
 - “retaliation” means any act of victimisation as defined by section 27 of the Equality Act (victimisation).
- (4) An exempted non-disclosure agreement is permitted at the request of the worker, provided –
- (a) they have given their fully-informed consent;
 - (b) they have been provided with independent legal advice which explains alternative approaches to protecting worker confidentiality.
- (5) An exempted non-disclosure agreement must –
- (a) not harm any third party;
 - (b) not harm the public interest;
 - (b) include a waiver that enables the worker to withdraw from the non-disclosure agreement at any time;
 - (c) not exceed three years in duration;
 - (d) be written in plain English.
- (6) Any exempted non-disclosure agreement must allow the worker to speak with a –
- (a) lawyer,
 - (b) physician,
 - (c) psychologist or psychological associate,
 - (d) registered nurse or nurse practitioner,
 - (e) registered social worker,
 - (f) community elder,
 - (g) spiritual counsellor or counsellor who is providing culturally specific services to the complainant,
 - (h) friend,
 - (i) family member,
 - (j) personal supporter, and
 - (k) an ombudsman.”

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
BARONESS KRAMER
BARONESS MORGAN OF COTES

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
BARONESS KRAMER

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
BARONESS KRAMER

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”

Schedule 4

BARONESS COFFEY

★ Schedule 4, page 204, line 28, leave out lines 28 to 30

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 39

BARONESS NOAKES

Clause 39, page 63, line 10, at end insert “and whose employment is funded in whole or in part from funds provided by a public authority in England”

Member's explanatory statement

This amendment, linked to others in the name of Baroness Noakes, seeks to ensure that the Social Care Negotiating Body does not apply to providers of care who are wholly funded by the private sector.

BARONESS NOAKES

Clause 39, page 63, line 13, at end insert “and whose employment is funded in whole or in part from funds provided by a public authority in Wales or Scotland”

Member's explanatory statement

This amendment, linked to others in the name of Baroness Noakes, seeks to ensure that the Social Care Negotiating Body does not apply to providers of care who are wholly funded by the private sector.

BARONESS NOAKES

Clause 39, page 63, line 17, at end insert —

“(3) For the purpose of subsection (1), “public authority” has the same meaning as in section 6 of the Human Rights Act 1998 (Acts of public authorities).”

Member's explanatory statement

This amendment, linked to others in the name of Baroness Noakes, seeks to ensure that the Social Care Negotiating Body does not apply to providers of care who are wholly funded by the private sector.

Clause 44

BARONESS NOAKES

Clause 44, page 65, line 16, after “worker’s” insert “minimum”

Member's explanatory statement

This amendment and others in the name of Baroness Noakes seek to ensure that employers can employ social care workers on better terms than those set out in the ratifying agreement.

BARONESS NOAKES

Clause 44, page 65, line 19, after second “a” insert “minimum”

Member's explanatory statement

This amendment and others in the name of Baroness Noakes seek to ensure that employers can employ social care workers on better terms than those set out in the ratifying agreement.

BARONESS NOAKES

Clause 44, page 65, line 22, at end insert “unless the effect of the term is to improve the social care worker’s remuneration or terms or conditions of employment”

Member's explanatory statement

This amendment and others in the name of Baroness Noakes seek to ensure that employers can employ social care workers on better terms than those set out in the ratifying agreement.

After Clause 51

LORD WILLS

After Clause 51, insert the following new Clause—

“Assessment: impact of social care provider increasing price of their services on social care workers’ pay

- (1) Where a social care provider increases price of their services and the appropriate authority is made aware of this increase, the appropriate authority must, using their powers under section 37, require a Negotiating Body to assess whether the increased costs will result in increased pay for social care workers, including agency workers.
- (2) When carrying out an assessment under subsection (1), a Negotiating Body must assess—
 - (a) to what extent increases in the cost of the social care services may reasonably be attributed to external factors, such as changes to national insurance contribution thresholds and rates or other action by government, and
 - (b) when any such increase cannot be wholly and reasonably attributed to such external factors, whether social care providers are sharing some or all of the resulting surplus from the increased price with the workers providing care.
- (3) A Negotiating Body must publish its assessment under subsection (1) within two months of the appropriate authority being notified about the increased price.
- (4) “Appropriate authority” has the same meaning as defined in section 36(5).
- (5) “Social care worker” has the same meaning as defined in section 39.
- (6) “Agency workers” has the same meaning as defined in section 48.”

Member's explanatory statement

This probing amendment seeks to provide for an assessment, when social care services prices are increased by providers as a result of external factors such as government policy and the charges are increased by more than may reasonably be attributed to such external factors, of whether social care providers are sharing some or all of that surplus with the workers providing care.

After Clause 54

LORD FAULKNER OF WORCESTER
LORD PARKINSON OF WHITLEY BAY

After Clause 54, insert the following new Clause —

“CHAPTER 4**INDUSTRIAL UNDERTAKINGS****Restriction on the employment of children in industrial undertakings**

In section 1 of the Employment of Women, Young Persons, and Children Act 1920 (restrictions on the employment of women, young persons, and children in industrial undertakings), at the end of subsection (1) insert “(but voluntary work on a heritage railway or heritage tramway is not employment in an industrial undertaking)”.

THE EARL OF CLANCARTY

After Clause 54, insert the following new Clause —

“CHAPTER 4**PERFORMING ARTS AND ENTERTAINMENT****Repeal of the rights of employment agencies to charge work-seekers for inclusion of information about them in a publication**

- (1) Regulation 26 of the Conduct of Employment Agencies and Employment Business Regulations 2003 is amended as follows.
- (2) In paragraph (2), omit “subject to paragraph (5)”.
- (3) Omit paragraphs (5) to (5C).”

Clause 55

BARONESS NOAKES

Clause 55, page 73, line 12, at end insert —

“(1A) Subsection (1) does not apply to employers who employ fewer than 10 workers.”

Member's explanatory statement

This amendment probes the application of section 136A to micro employers.

BARONESS NOAKES

Clause 55, page 73, leave out line 17

Member's explanatory statement

This amendment is to probe why there should be any time other than the commencement of employment that a statement under section 136A should be given.

Schedule 6

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

★ Schedule 6, page 231, line 27, leave out sub-paragraphs (3) and (4)

Member's explanatory statement

This will retain the 40% support threshold for statutory recognition ballots.

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.

Clause 65

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

★

Leave out Clause 65 and insert the following new Clause —

“Industrial action ballots: turnout threshold

In section 226 of the Trade Union and Labour Relations (Consolidation) Act 1992, after subsection (4) insert —

- “(5) In section 226(2)(a)(ia), the Secretary of State may by regulations made by statutory instrument leave out “50%” and insert a percentage figure no less than 20% and no greater than 40%.
- (6) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Clause 69

LORD JACKSON OF PETERBOROUGH

Lord Jackson of Peterborough gives notice of his intention to oppose the Question that Clause 69 stand part of the Bill.

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 71

LORD JACKSON OF PETERBOROUGH

Lord Jackson of Peterborough gives notice of his intention to oppose the Question that Clause 71 stand part of the Bill.

Clause 72

LORD JACKSON OF PETERBOROUGH

Lord Jackson of Peterborough gives notice of his intention to oppose the Question that Clause 72 stand part of the Bill.

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.

LORD FREYBERG
THE EARL OF CLANCARTY

After Clause 86, insert the following new Clause —

“Unionisation and collective bargaining in the arts and cultural sector

- (1) The Secretary of State must by regulations establish —
 - (a) alternative collective bargaining models for trade unions in the arts and cultural sector,
 - (b) provisions for financial viability assessments to ensure mandatory unionisation does not place unsustainable financial burdens on smaller institutions, and
 - (c) a dispute resolution mechanism tailored to cultural institutions.
- (2) The Secretary of State may by regulations define which organisations form part of the arts and cultural sector.
- (3) A statutory instrument containing regulations under this section is subject to the negative resolution procedure.”

Clause 90

LORD HOLMES OF RICHMOND

★

Clause 90, page 109, line 11, at end insert —

- “(d) persons appearing to the Secretary of State to be representatives of labour market standards organisations.”

Member's explanatory statement

This amendment seeks to ensure that non-government organisations that develop, promote and maintain labour market standards are represented on the advisory board.

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.

LORD HOLMES OF RICHMOND

★

Clause 91, page 109, line 37, at end insert —

“(ba) contains a directive for enforcement officers to publish an annual report outlining how existing schemes of accepted standards for employment rights are being utilised to help achieve enforcement aims, and”

Member's explanatory statement

This amendment seeks to strengthen the effectiveness of enforcement by making use of existing employment regulations to complement the work of government enforcement agencies.

Clause 95

LORD JACKSON OF PETERBOROUGH

Lord Jackson of Peterborough gives notice of his intention to oppose the Question that Clause 95 stand part of the Bill.

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.

BARONESS COFFEY

Baroness Coffey gives notice of her intention to oppose the Question that Clause 113 stand part of the Bill.

Clause 114

BARONESS NOAKES

Baroness Noakes gives notice of her intention to oppose the Question that Clause 114 stand part of the Bill.

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.

LORD HOLMES OF RICHMOND

★

After Clause 140, insert the following new Clause —

“Power to impose financial penalties

The Secretary of State may by regulations made by statutory instrument make provision to seek restitution for the victims of labour market non-compliance and

issue a civil penalty against the end user of a service provided by an employment business, where that service is deemed to have –

- (a) failed to meet United Kingdom employment law;
- (b) failed to allow an inspection of their records for the purpose for maintaining United Kingdom employment law standards;
- (c) demanded payments for job-searching support which could reasonably be deemed disproportionate or excessive.”

Member's explanatory statement

This amendment seeks to disincentivise UK businesses from using offshore labour providers that do not adhere to UK labour standards, where enforcement against the service provider itself might be problematic.

Clause 141

BARONESS NOAKES

Clause 141, page 141, line 34, after “corporate” insert “other than a micro or small business”

Member's explanatory statement

This amendment exempts officers of micro and small businesses from the extension of liability in Clause 141.

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.

LORD FREYBERG
THE EARL OF CLANCARTY

After Clause 150, insert the following new Clause—

“Independent review board

- (1) Within six months of the day on which this Act is passed, the Secretary of State must establish an independent review board to monitor the impact of changes made to employment rights by this Act on the arts and cultural sector.
- (2) The independent review board must—
 - (a) conduct annual impact assessments, including consideration of employment rates and sector growth,

- (b) recommend policy adjustments if evidence shows that changes to employment rights made by this Act are leading to unintended consequences, and
- (c) hear representations from trade unions, the arts and cultural sector and any other such persons they see fit.”

LORD FREYBERG
THE EARL OF CLANCARTY

After Clause 150, insert the following new Clause –

“Temporary waiver for small and independent cultural organisations in financial hardship

- (1) The Secretary of State must by regulations make provision to introduce a temporary waiver from compliance with provisions in this Act for small and independent cultural organisations facing financial hardship.
- (2) The temporary waiver under subsection (1) may include –
 - (a) a grace period for compliance, during which organisations could apply for financial assistance,
 - (b) conditional exemptions for organisations that can demonstrate a significant risk of closure due to increased employment costs, and
 - (c) a progressive enforcement model, where smaller organisations are given additional support before full compliance is required.
- (3) A statutory instrument containing regulations under this section is subject to the negative resolution procedure.”

LORD FREYBERG
THE EARL OF CLANCARTY

After Clause 150, insert the following new Clause –

“Ministerial responsibility for managing the impact of this Act on freelancers and professionals in creative industries

- (1) The Prime Minister must specify a Minister of the Crown, to be responsible for managing the impact of provisions in this Act on freelancers and professionals in creative industries.
- (2) The Minister’s portfolio must include, but is not limited to –
 - (a) assessing the need for changes to employment rights for cultural organisations and freelancers,
 - (b) consulting frequently with representatives from the creative industries and freelancers, and
 - (c) overseeing a national strategy for creative workforce sustainability, including fair employment practices alongside funding mechanisms.”

THE EARL OF CLANCARTY
LORD FREYBERG
VISCOUNT COLVILLE OF CULROSS

After Clause 150, insert the following new Clause –

“Independent Freelance Commissioner

- (1) There is to be an office known as the Office of the Freelance Commissioner.
- (2) The Office in subsection (1) must be established by the Secretary of State by regulations three months after the day on which this Act is passed.
- (3) The Office of the Freelance Commissioner will be led by an individual appointed by the Secretary of State titled the “Independent Freelance Commissioner”.
- (4) The role in subsection (3) is referred to as the “Freelance Commissioner”.
- (5) The Freelance Commissioner may appoint staff to the Office of the Freelance Commissioner they consider necessary for assisting in the exercise of their functions in subsection (6).
- (6) The Freelance Commissioner is responsible for –
 - (a) representing the interests of freelance workers in the application of employment rights under this Act,
 - (b) ensuring fair treatment of freelance workers across different sectors, including the creative industries,
 - (c) regularly engaging with sectors with high proportions of freelance workers, including the creative industries, about the application of provisions of this Act,
 - (d) gathering and analysing data about the freelance workforce, and
 - (e) identifying issues and finding solutions to challenges faced by freelance workers as a result of provisions in this Act.
- (7) The Freelance Commissioner must publish an annual report on the discharge of their functions set out in subsection (6) and lay this report before Parliament.
- (8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member's explanatory statement

This amendment establishes the office of the Freelance Commissioner and makes provisions for relevant duties and responsibilities

LORD FREYBERG
THE EARL OF CLANCARTY

★ After Clause 150, insert the following new Clause –

“Impact assessment: arts and cultural organisations

Within 12 months of the day on which this Act is passed, the Secretary of State must publish an assessment of the impact of provisions in this Act on arts and cultural organisations.”

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

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.

Clause 156

LORD FREYBERG
THE EARL OF CLANCARTY

Clause 156, page 151, line 4, at end insert –

- “(3A) The Secretary of State must by regulations ensure that provisions in Part 1 of this Act are applied in stages to arts and cultural organisations.
- (3B) Regulations under subsection (1) must provide –
 - (a) timelines for the gradual implementation of provisions in Part 1 of this Act based on arts and cultural organisations’ size, turnover and reliance on public funding,
 - (b) exemption from the application of such provisions for arts and cultural organisations in financial distress and a review mechanism to assess compliance when their financial position stabilises, and
 - (c) a transition support package providing advisory services to arts and cultural organisations on restructuring employment practices.
- (3C) The Secretary of State may by regulations define “arts and cultural organisations”.
- (3D) A statutory instrument containing regulations under this section is subject to the negative resolution procedure.”

Employment Rights Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

8 April 2025

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