

Employment Rights Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

16 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
LORD LONDESBOROUGH

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 GODDARD OF STOCKPORT

Clause 1, page 2, line 14, at end insert –

“(1A) For the purposes of this section, a reference period is 26 weeks.”

Member's explanatory statement

This amendment would set the initial reference period for the right to guaranteed hours to 26 weeks, to give flexibility to industries which work on a seasonal basis.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD WOLFSON OF ASPLEY GUISE

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 8, leave out lines 8 to 24 and insert –

- “(4) For the purposes of this section, the “reference period” means the period of 26 weeks beginning with the first day of the worker’s employment, ending on the specified day as determined in the relevant provisions.”

Member's explanatory statement

This amendment extends the reference period to 26 weeks for 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 GODDARD OF STOCKPORT

Clause 1, page 4, line 2, at end insert –

- “(8A) Where an employee voluntarily agrees to a contract of employment lasting no longer than four months, the employer and employee may enter into a written agreement under which the employee waives their entitlement to a right to guaranteed hours under this section, provided that –
- (a) the employee has been informed of their rights under this section before entering into the agreement, and
 - (b) the waiver does not extend beyond the duration of the contract.”

Member's explanatory statement

This amendment allows employees on short-term contracts of four months or less to voluntarily waive their right to guaranteed hours. It provides flexibility for temporary, seasonal, and hospitality workers who may prefer more adaptable working arrangements.

Clause 3

LORD FOX

Clause 3, page 24, line 20, at end insert—

- “(12) For the purposes of this section, a reasonable period of notice is to be treated as at least 48 hours before the shift is due to start.
- (13) Where a notice has been given in accordance with subsection (12), the provisions of section 27BP(1) do not apply.”

Member's explanatory statement

This amendment defines “reasonable notice” as at least 48 hours before a shift is due to start, and clarifies that if this notice is given, the employer will not be required to make a payment under section 27BP.

LORD GODDARD OF STOCKPORT

Clause 3, page 25, line 34, at end insert—

- “(1A) For the purposes of subsection (1)(b), regulations may make provision for the factors to be taken into account in determining whether a worker reasonably believed they would be needed to work the shift.”

Member's explanatory statement

This probing amendment would seek reassurances on what the Government's understanding of "reasonably believed" means in relation to new section 27BR 1(b) of the Employment Rights Act 1996.

Schedule 1LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- ★ Schedule 1, page 152, leave out from line 7 to line 28 on page 166

After Clause 8LORD 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 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 18

LORD BRENNAN OF CANTON

Clause 18, page 40, line 25, at end insert—

“(ba) after subsection (2) insert—

- “(2A) The conditions specified under subsection (2) must be framed so as to ensure that a “bereaved person” includes those bereaved by pregnancy loss.
- (2B) In subsection (2A) “pregnancy loss” includes—
 - (a) a pregnancy that ends as a result of—
 - (i) a miscarriage;
 - (ii) an ectopic pregnancy;
 - (iii) a molar pregnancy;
 - (iv) a medical termination conducted in accordance with section 1 of the Abortion Act 1967;
 - (b) an unsuccessful attempt at in vitro fertilisation due to embryo transfer loss.””

Member's explanatory statement

This amendment requires that any regulations made under section 80EA of the Employment Rights Act 1996 (as amended by the Bill) must include conditions framed by reference to those bereaved by pregnancy loss.

Clause 20

LORD YOUNG OF ACTON
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

The above-named Lords give notice of their 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
Revised version of the amendment printed on 31 March 2025

After Clause 22, insert the following new Clause—

“Non-disclosure agreements: harassment

- (1) The Secretary of State must, within six months of the day on which this Act is passed, make changes by regulations made by statutory instrument to ensure that an agreement to which this section applies is void, or may not be entered into, 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—
- (a) any proceedings for breach of contract;
 - (b) a non-disclosure agreement; or
 - (c) a non-disparagement agreement.
- (3) Regulations made under this section must—
- (a) not prevent a worker from being granted confidentiality protections associated with a settlement agreement, but only if those protections are made at the worker’s request and not the employer’s;
 - (b) replicate the protections offered to workers by section 1 of the Higher Education (Freedom of Speech) Act 2023, with respect to non-disclosure agreements and harassment, but must apply those protections to all workers;
 - (c) ensure a worker can access independent legal advice, including on alternative forms of confidentiality agreements;
 - (d) ensure any confidentiality agreement can only be of a limited duration;
 - (e) require any agreement to be in plain English;
 - (f) not permit a confidentiality agreement to be made in a situation that would—
 - (i) give rise to any risk of harassment to a third party in the future, or
 - (ii) pose any danger to public interest.
- (4) For the purposes of this section—
- “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 has been committed, is being committed or is likely to be committed, by a fellow worker or a client of the employer.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member’s explanatory statement

This new clause would require the Secretary of State to make regulations to void any non-disclosure agreement insofar as it prevents the worker from making a disclosure about harassment (including sexual harassment), with relevant exceptions at the worker’s request.

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.

BARONESS KENNEDY OF THE SHAWES
BARONESS KRAMER

After Clause 22, 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.”

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 25

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD LONDESBOROUGH

After Clause 25, 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.

Clause 26

LORD FOX

Clause 26, page 46, line 2, at end insert—

- “(4A) Subsections (2) and (3) do not apply where—
- (a) the proposed variation is minor,
 - (b) the variation is not detrimental to the employee’s terms and conditions, and
 - (c) the variation does not relate to pay, working hours, or location of work.”

Member's explanatory statement

This amendment would exclude routine and non-detrimental variations from triggering automatic unfair dismissal protections.

LORD FOX

Clause 26, page 46, line 2, at end insert –

- “(4A) Subsection (3) does not apply where the dismissal forms part of a redundancy process and the employer offers the employee suitable alternative employment, whether under a varied or new contract.”

Member's explanatory statement

This amendment clarifies that the provisions in subsection (3) do not apply if the dismissal is part of a redundancy process and the employer offers the employee suitable alternative employment, either under a varied or new contract.

LORD FOX

Clause 26, page 46, line 31, at end insert –

- “(7) Nothing in this section prevents an employer from relying on a flexibility clause expressly agreed in the contract of employment, provided the exercise of that clause is reasonable.”

Member's explanatory statement

This amendment clarifies that employers can still rely on flexibility clauses that were expressly agreed upon in the employment contract, as long as the clause is exercised reasonably.

LORD FOX

Clause 26, page 46, line 31, at end insert –

- “(7) Nothing in this section prevents an employer from offering, or re-engaging an employee on, a fixed-term contract where such an arrangement is lawful and consistent with the employee's terms and conditions.”

Member's explanatory statement

This amendment clarifies that dismissal during redundancy with an offer of suitable alternative employment and the use of fixed-term contracts are not restricted, provided they are lawful and consistent with the employee's terms.

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
LORD LONDESBOROUGH

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 HOLMES OF RICHMOND

After Clause 26, 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.

BARONESS KRAMER

After Clause 26, insert the following new Clause –

“Protected disclosures and the Office of the Whistleblower

- (1) The Employment Rights Act 1996 is amended as follows.
 (2) For section 43A (meaning of “protected disclosure”) substitute –

“43A Meaning of “protected disclosure”

In this Act a “protected disclosure” means any disclosure of information which is made in the public interest to persons specified in section 43C(1),

and which is a qualifying disclosure under section 43C(1), which relates to one or more of the matters in section 43B(1) and which relates to a circumstance which has occurred, is occurring or may occur.”

(3) In section 43B, for subsection (1) substitute –

“(1) In this Part, a qualifying disclosure means any disclosure of information which relates to –

- (a) a criminal offence or regulatory breach;
- (b) the failure of any person including a relevant person to comply with a legal obligation;
- (c) a miscarriage of justice;
- (d) the endangering of the health or safety of any person;
- (e) damage to the environment;
- (f) mismanagement of public funds;
- (g) misuse or abuse of authority;
- (h) such other matters as may be prescribed in regulations made by the Secretary of State;
- (i) concealment of information or removal or deletion or destruction of any documents relating to the above matters.”

(4) In section 43C, for subsection (1) substitute –

“(1) The persons referred to in section 43A are –

- (a) the Office of the Whistleblower;
- (b) a relevant person;
- (c) a person who, in the reasonable belief of the person making the disclosure is a relevant person;
- (d) a person to whom it is reasonable for the person making the disclosure to make that disclosure.”

(5) After section 43C, insert the following new section –

“43CA Disclosure to the Office of the Whistleblower

- (1) The Secretary of State must, by regulations made by statutory instrument, within one year after the day on which the Employment Rights Act 2025 is passed, establish a body corporate called the Office of the Whistleblower (hereafter referred to as “the Office”).
- (2) The principal duty of the Office is to protect whistleblowers and have oversight of the process of whistleblowing.
- (3) The functions of the Office are to –
 - (a) set minimum standards for whistleblowing policies, procedures and reporting structures;
 - (b) monitor and enforce compliance with those standards;
 - (c) provide an independent disclosure and reporting service;
 - (d) provide support for whistleblowers;

- (e) bring actions for the offence specified in subsection (6) including action notices, redress orders and interim relief orders which may be appealed to the First-tier Tribunal;
 - (f) prevent the exercise of Confidentiality Agreements and Non-Disclosure Agreements except where non-disclosure is for purposes of commercial confidentiality or to provide whistleblower anonymity.
- (4) For the purposes of this Act, a person is a “whistleblower” if they are a worker who has made, makes or is intending to make a protected disclosure or is perceived by a relevant person to have made, be making or intend to make a protected disclosure, related to their employment.
- (5) Any whistleblower who is dismissed from their employment may refer their case to the Office of the Whistleblower, regardless of whether whistleblowing is cited as a cause of their dismissal.
- (6) A person who intentionally or recklessly submits a whistleblower to detriment is guilty of an offence.
- (7) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.””

Member's explanatory statement

This amendment establishes the Office of the Whistleblower to protect whistleblowers, oversee whistleblowing processes, and enforce compliance with reporting standards. It also allows dismissed whistleblowers to refer their cases to the Office and expands the definition of protected disclosures to cover various public interest concerns, including criminal offences and mismanagement of public funds.

BARONESS LISTER OF BURTERSETT

After Clause 26, insert the following new Clause –

“Review of parental leave

- (1) The Secretary of State must, within six months of the day on which this Act is passed, commence a review of paid parental leave.
- (2) The review under subsection (1) must explore –
 - (a) the introduction of a statutory period of reserved, non-transferable paid parental leave for –
 - (i) fathers;
 - (ii) mothers’ partners;
 - (iii) “second parent” adopters.
 - (b) the level of statutory pay available to the parents listed in paragraph (a), through paternity leave, other reserved leave for fathers considered by the review or shared parental leave, and whether it is sufficient to encourage high take-up;

- (c) options for making paid leave available to self-employed fathers, and others ineligible for statutory support because they are not in regular employment, for example through a paternity allowance similar to the maternity allowance, currently available for mothers;
 - (d) the extension of full employment rights, including redundancy protections, to fathers who take paternity leave and any other reserved leave considered by the review;
 - (e) international examples of best practice in parental leave policy design.
- (3) The Secretary of State must lay the review before Parliament within 18 months of the day on which this Act is passed.”

Member's explanatory statement

This probing amendment specifies a number of issues that the proposed review of parental leave should consider, in particular a reserved, non-transferable period for fathers paid at a rate sufficient to encourage high take up. It also requires such a review to take place.

LORD PITKEATHLEY OF CAMDEN TOWN

★ After Clause 26, insert the following new Clause –

“Independent advisers

- (1) Section 288 of the Trade Union and Labour Relations (Consolidation) Act 1992 (restriction on contracting out) is amended as follows –
 - (a) after subsection (4)(c) insert –
 - “(ca) if he is a member of the Chartered Institute of Personnel and Development or other Professional Body and has been certified in writing by the Chartered Institute of Personnel and Development or, as the case may be, other Professional Body as competent to give advice, or”
 - (b) after subsection (4B) insert –
 - “(4BA) In subsection (4)(ca) “Professional Body” means any organisation which is authorised by a regulation made by the Secretary of State pursuant to subsection (4BB).
 - (4BB) The Secretary of State may make a regulation or regulations authorising any organisation as a Professional Body for the purposes of this section.
 - (4BC) A statutory instrument containing regulations under subsection (4BB) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) Section 203 of the Employment Rights Act 1996 (restrictions on contracting out) is amended as follows –
 - (a) after subsection (3A)(c) insert –
 - “(ca) if he is a member of the Chartered Institute of Personnel and Development or other Professional Body and has been

certified in writing by the Chartered Institute of Personnel and Development or, as the case may be, other Professional Body as competent to give advice, or”

- (b) after subsection (4) insert –
 - “(4A) In subsection (3A)(ca) “Professional Body” means any organisation which is authorised by a regulation made by the Secretary of State pursuant to subsection (4B).
 - (4B) The Secretary of State may make a regulation or regulations authorising any organisation as a Professional Body for the purposes of this section.
 - (4C) A statutory instrument containing regulations under subsection (4B) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) Section 49 of the National Minimum Wage Act 1998 (restrictions on contracting out) is amended as follows –
 - (a) after subsection (5)(c) insert –
 - “(ca) if he is a member of the Chartered Institute of Personnel and Development or other Professional Body and has been certified in writing by the Chartered Institute of Personnel and Development or, as the case may be, other Professional Body as competent to give advice, or”
 - (b) after subsection (7) insert –
 - “(7A) In subsection (5)(ca) “Professional Body” means any organisation which is authorised by a regulation made by the Secretary of State pursuant to subsection (7B).
 - (7B) The Secretary of State may make a regulation or regulations authorising any organisation as a Professional Body for the purposes of this section.
 - (7C) A statutory instrument containing regulations under subsection (7B) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (4) Section 58 of the Pensions Act 2008 (restrictions on agreements to limit operation) is amended as follows –
 - (a) after subsection (6)(c) insert –
 - “(ca) is a member of the Chartered Institute of Personnel and Development or other Professional Body and has been certified in writing by the Chartered Institute of Personnel and Development or, as the case may be, other Professional Body as competent to give advice, or”

- (b) after subsection (8) insert –
- “(8A) In subsection (6)(ca) “Professional Body” means any organisation which is authorised by a regulation made by the Secretary of State pursuant to subsection (8B).
- (8B) The Secretary of State may make a regulation or regulations authorising any organisation as a Professional Body for the purposes of this section.
- (8C) A statutory instrument containing regulations under subsection (8B) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (5) Section 147 of the Equality Act 2010 (qualifying settlement agreement) is amended as follows –
- (a) after subsection (4)(c) insert –
- “(ca) a member of the Chartered Institute of Personnel and Development or other Professional Body certified in writing by the Chartered Institute of Personnel and Development or, as the case may be, other Professional Body as competent to give advice;”
- (b) after subsection (6) insert –
- “(6A) In subsection (4)(ca) “Professional Body” means any organisation which is authorised by a regulation made by the Secretary of State pursuant to subsection (6B).
- (6B) The Secretary of State may make a regulation or regulations authorising any organisation as a Professional Body for the purposes of this section.
- (6C) A statutory instrument containing regulations under subsection (6B) is subject to annulment in pursuance of a resolution of either House of Parliament.””

Member's explanatory statement

This clause expands the independent advisers who may advise employees and workers on a settlement agreement.

Clause 28

LORD HENDY

Clause 28, page 50, line 6, at end insert –

- “(2A) In section 189 (complaint and protective award), after subsection (2) insert –
- “(2A) Any such declaration may be enforced in the High Court as if it were a declaration of the High Court and, for the avoidance of doubt, such enforcement may include –

- (a) an Order to comply with the declaration of the employment tribunal,
- (b) a Declaration that any dismissal which should have been but was not subject to compliance with section 188 or section 188A is void and of no effect, and
- (c) in relation to any failure to comply with an Order of the High Court, proceedings for contempt of Court.”

Member's explanatory statement

This amendment is intended to provide a remedy for a breach of s.188 or 188A given that the doubling of the protective award appears may be unlikely to deter employers such as P&O Ferries where the value of the protective award can be calculated to be outweighed by the benefit of reduced wages over time.

Clause 31

BARONESS FOX OF BUCKLEY
BARONESS NOAKES

The above-named Lords give notice of their 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 32

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

After Clause 32, insert the following new Clause –

“Use of positive action in the workplace

- (1) In this section –
 - (a) “P” is a public sector worker who reasonably thinks that the application by P’s employer, in relation to P’s employment or a working practice, of sections 158 and 159 of the Equality Act 2010 has caused or risks causing detriment to P,
 - (b) “R” is P’s public sector employee, and
 - (c) P reasonably thinks that R is responsible for the detriment in subsection (1)(a).
- (2) A Minister of the Crown must by regulations make provision for –
 - (a) forms through which P may anonymously question R on any matter relevant to subsection (1),
 - (b) forms through which R may answer questions by P, and
 - (c) such forms to be made publicly available.

- (3) Within six months of the passing of this Act and every three months thereafter, R must publish a report setting out—
 - (a) the number of forms received under subsection (2), and
 - (b) a summary of the nature of the complaints to which they relate.
- (4) A Minister of the Crown may by regulations require R to report on the use of sections 158 and 159 of the Equality Act 2010.
- (5) This section does not apply to activities undertaken by R under paragraph 1 of Schedule 9 of the Equality Act 2010.”

Member's explanatory statement

This amendment introduces a mechanism for public sector employees who believe they have been disadvantaged by their employer's use of positive action under sections 158 and 159 of the Equality Act 2010. It would require the Government to create a process allowing such employees to anonymously question their employer and requiring employers to respond.

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”

LORD HOLMES OF RICHMOND

After Clause 34, insert the following new Clause –

“Right of refusal of instruction to undertake instructions which would lead to inaccessible goods or services

- (1) A worker has the right to refuse an instruction or direction from his employer or anyone acting for his employer such as a manager which would –
 - (a) cause the worker to undertake work which would result in the creation, development and/or deployment or sale of an inaccessible good or service,
 - (b) cause the worker to undertake work which would result in the development, deployment or sale of a good or service, previously accessible, made inaccessible as a result of this instruction
- (2) Any worker receiving such an instruction described in subsection (1) may report the nature of that instruction and their reason for refusing it to the Equality and Human Rights Commission.”

Schedule 4

LORD HENDY

Schedule 4, page 195, line 4, leave out from “matters” to end of line 8 and insert “in relation to school support staff which relate to or are connected with any of those set out in section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992”

Member's explanatory statement

This amendment is intended to make the Negotiating Body a collective bargaining body rather than a consultative body by leaving it to the industrial parties to determine the matters which

require to be collectively bargained (within the statutory definition of collective bargaining in s.178) and so partially fulfils the requirements of the ILO for free and voluntary collective bargaining .

LORD HENDY

Schedule 4, page 195, line 6, leave out “of employment”

Member's explanatory statement

This amendment is intended to allow the Negotiating Body to consider the terms and conditions of those who work under a contract which is not a contract of employment. This is intended as a stopgap until the proposals in relation to a single status of worker are resolved and put into effect.

LORD HENDY

Schedule 4, page 195, line 8, insert at end –

- “(e) a procedure for the resolution of disputes at employer, regional and national level which may include provision to refer a dispute to ACAS for conciliation and mediation and a provision that, if not then resolved, the dispute shall be referred to the Central Arbitration Committee for resolution, and a provision that the decision of the latter will be binding;
- (f) discipline and grievance procedures;
- (g) any other matter agreed to be the subject of negotiation by the parties.”

Member's explanatory statement

This amendment is intended to make the Negotiating Body a collective bargaining body rather than a consultative body by leaving it to the industrial parties to determine the matters which require to be collectively bargained.

LORD HENDY

Schedule 4, page 195, line 11, leave out “, or is not,”

Member's explanatory statement

This amendment and others in the name of Lord Hendy are intended to remove the power of the Secretary of State to preclude the parties considering aspects of remuneration, training and career progression which they wish to consider.

LORD HENDY

Schedule 4, page 195, line 13, leave out “, or is not,”

Member's explanatory statement

This amendment and others in the name of Lord Hendy are intended to remove the power of the Secretary of State to preclude the parties considering aspects of remuneration, training and career progression which they wish to consider.

LORD HENDY

Schedule 4, page 195, line 15, leave out “, or is not,”

Member's explanatory statement

This amendment and others in the name of Lord Hendy are intended to remove the power of the Secretary of State to preclude the parties considering aspects of remuneration, training and career progression which they wish to consider.

LORD HENDY

Schedule 4, page 195, line 17, leave out “, or is not,”

Member's explanatory statement

This amendment and others in the name of Lord Hendy are intended to remove the power of the Secretary of State to preclude the parties considering aspects of remuneration, training and career progression which they wish to consider.

LORD HENDY

Schedule 4, page 195, line 26, leave out “of employment”

Member's explanatory statement

This amendment and others in the name of Lord Hendy are intended to remove the power of the Secretary of State to preclude the parties considering aspects of remuneration, training and career progression which they wish to consider.

LORD HENDY

Schedule 4, page 195, line 30, leave out “of employment”

Member's explanatory statement

This amendment is intended to allow the Negotiating Body to consider the remuneration, terms and conditions, training and career progression of those who work under a contract which is not a contract of employment.

LORD HENDY

Schedule 4, page 197, line 31, leave out “, with the agreement of the Secretary of State,”

Member's explanatory statement

This amendment is intended to remove the condition that the Negotiating Body may only consider a matter within its statutory remit if the SoS agrees that it should do so (or has instructed it to do so under s.148D).

LORD HENDY

Schedule 4, page 197, line 36, leave out “of employment”

Member's explanatory statement

This amendment is intended to allow the Negotiating Body to consider the terms and conditions of those who work under a contract which is not a contract of employment.

LORD HENDY

Schedule 4, page 201, line 6, leave out from “be” to the end of line 7 and insert “no less than that determined and paid in accordance with the agreement.”

Member's explanatory statement

This removes the provision that a member of the school support staff cannot be paid more than that in the agreement, even if the higher remuneration has been or is subsequently collectively agreed or contractually binding.

LORD HENDY

Schedule 4, page 201, line 9, leave out from “condition” to the end of line 10 and insert “is to be no less favourable than that provided for in accordance with the regulations and shall have effect as a term of the person’s contract.”

Member's explanatory statement

This removes the provision that a member of school support staff cannot enjoy more favourable terms than that in the agreement, even if those more favourable terms have been or are subsequently collectively agreed or contractually binding.

LORD HENDY

Schedule 4, page 201, line 13, at end insert “save to the extent that any such term or condition is more favourable to the member of staff than the agreement”

Member's explanatory statement

This removes the provision that a member of support staff cannot enjoy more favourable terms than that in the agreement, even if those more favourable terms have been or are subsequently collectively agreed or contractually binding.

LORD HENDY

Schedule 4, page 201, line 17, at end insert “save to the extent that any such term or condition is more favourable to the member of staff than the agreement”

Member's explanatory statement

This removes the provision that a member of Academy support staff cannot enjoy more favourable terms than that in the agreement, even if those more favourable terms have been or are subsequently collectively agreed or contractually binding.

LORD HENDY

Schedule 4, page 201, line 26, leave out “employment”

Member's explanatory statement

This amendment is intended to allow the regulations to provide for the terms and conditions of those who work under a contract which is not a contract of employment.

LORD HENDY

Schedule 4, page 201, line 31, leave out from “be” to end of line 32 and insert “no less than that determined and paid in accordance with the regulations.”

Member's explanatory statement

This removes the provision that a member of the school support staff cannot be paid more than that in the regulations, even if the higher remuneration has been or is subsequently collectively agreed or contractually binding.

LORD HENDY

Schedule 4, page 201, line 34, leave out from “condition” to end of line 35 and insert “is to be no less favourable than that provided for in accordance with the regulations and shall have effect as a term of the person’s contract.”

Member's explanatory statement

This removes the provision that a member of school support staff cannot enjoy more favourable terms than that in the regulations, even if those more favourable terms have been or are subsequently collectively agreed or contractually binding.

LORD HENDY

Schedule 4, page 201, line 34, leave out “employment” and insert “engagement”

Member's explanatory statement

This amendment is intended to allow the regulations to provide for the terms and conditions of those who work under a contract which is not a contract of employment.

LORD HENDY

Schedule 4, page 201, line 38, at end insert “save to the extent that any such term or condition is more favourable to the member of staff than the agreement”

Member's explanatory statement

This removes the provision that a member of support staff cannot enjoy more favourable terms than that in the regulations, even if those more favourable terms have been or are subsequently collectively agreed or contractually binding.

LORD HENDY

Schedule 4, page 202, line 4, at end insert “save to the extent that any such term or condition is more favourable to the member of staff than the agreement”

Member's explanatory statement

This removes the provision that a member of Academy support staff cannot enjoy more favourable terms than that in the regulations, even if those more favourable terms have been or are subsequently collectively agreed or contractually binding

LORD HENDY

Schedule 4, page 203, leave out lines 21 to 28

Member's explanatory statement

This amendment removes inserted section 148Q, which as it stands excludes agreements reached by the negotiating body from being collective agreements within the statutory definition in s.178 TULRCA.

BARONESS COFFEY

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

LORD HENDY

Schedule 4, page 204, line 33, after “include” insert “equal numbers of”

Member's explanatory statement

This amendment is to ensure that the number of representatives on each side are equal in accordance with the UK's international legal obligations.

LORD HENDY

Schedule 4, page 204, leave out lines 35 and 36 and insert—

- “(a) school support staff organisations, and
- (b) school support staff employer organisations.”

Member's explanatory statement

This amendment is intended to remove representatives of the Secretary of State from the SSSNB.

LORD HENDY

Schedule 4, page 205, line 2, at end insert—

- “(2A) The number of such members under sub-paragraph (2) shall not constitute more than one quarter of the total number of members of the SSSNB.”

Member's explanatory statement

This amendment is to ensure that the number of persons who do not represent staff or employer organisations shall not number more than half of the number of either of the industrial parties and so distort what the UK's international legal obligations require to be free collective bargaining between workers and employers.

LORD HENDY

Schedule 4, page 205, line 20, leave out “(including provision allowing the SSSNB to determine its own proceedings)” and insert “which shall be determined by the SSSNB unless it cannot reach agreement on its constitution”

Member's explanatory statement

This amendment is to comply with the requirement of free collective bargaining pursuant to the UK's international legal obligations that the constitution of the bargaining body reflects the wishes of that body unless it cannot agree.

Clause 37

LORD HENDY

Clause 37, page 62, line 3, leave out from “Body” to end of line 4 and insert “to be selected by agreement between the union officials and employers’ representatives who are members of the Negotiating Body and, in the event of a failure to agree, chosen by ACAS;”

Member's explanatory statement

This amendment is one of several intended to make the Negotiating Body a bilateral collective bargaining body, in this instance to allow the industrial parties to select the Chair instead of it being a ministerial choice.

LORD HENDY

Clause 37, page 62, line 18, leave out sub-paragraphs (i) and (ii) and insert –

- “(i) persons nominated by trade unions which represent the interests of social care workers, and
- (ii) persons nominated by employers’ associations representing the interests of employers of social care workers.”

Member's explanatory statement

This amendment is one of several intended to make the Negotiating Body a bilateral collective bargaining body rather than a consultative Body consisting of ministerial nominees and so partially fulfils the requirements of the ILO for free and voluntary collective bargaining.

LORD HENDY

Clause 37, page 62, line 23, at end insert “provided that such descriptions have been agreed by the other members of the Negotiating Body and, subsequently, that all such additional persons to be appointed are agreed by the other members of the Negotiating Body and constitute less than one quarter of the total number of members of the Negotiating Body nominated by the trade unions and by the employers’ associations.”

Member's explanatory statement

This amendment is one of several intended to make the Negotiating Body a bilateral collective bargaining body rather than a consultative body consisting of ministerial nominees and so partially fulfils the requirements of the ILO for free and voluntary collective bargaining.

Clause 38

LORD HENDY

Clause 38, page 62, line 32, leave out from “are” to the end of line 39 and insert “matters in relation to relevant social care workers, or to relevant social care workers of a specified description which relate to or are connected with any of the matters set out in section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (collective agreements and collective bargaining).”

Member's explanatory statement

This amendment is one of several intended to make the Negotiating Body a collective bargaining body rather than a consultative body by leaving it to the industrial parties to determine the matters to be collectively bargained (within the statutory definition of collective bargaining in section 178 of the Trade Union and Labour Relations (Consolidation) Act 1992).

BARONESS BROWNING
BARONESS RITCHIE OF DOWNPATRICK

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.

LORD HENDY

Clause 38, page 62, line 39, at end insert —

- “(d) the training of social care workers;
- (e) career progression of social care workers;
- (f) a procedure for the resolution of disputes at employer, regional and national level which may include provision to refer a dispute to ACAS for

- conciliation and mediation and a provision that, if not then resolved, the dispute shall be referred to the Central Arbitration Committee for resolution, and a provision that the decision of the latter will be binding;
- (g) discipline and grievance procedures;
 - (h) any other matter agreed to be the subject of negotiation by the parties.”

Member's explanatory statement

This amendment is a more restricted alternative to another amendment in the name of Lord Hendy to Clause 38, page 62, line 32. It is intended to make the Negotiating Body a collective bargaining body rather than a consultative body by leaving it to the industrial parties to determine the matters which require to be collectively bargained.

Clause 39

LORD HENDY

Clause 39, page 63, line 8, leave out from “who” to end of line 13 and insert “, as paid work, provides social care to one or more individuals aged 18 or over, or a person who, as paid work, supervises or manages individuals providing such care in an organisation which provides such care;

- (b) in relation to Wales or Scotland, a person who, as paid work, provides social care to one or more individuals, or a person who, as paid work, supervises or manages individuals providing such care in an organisation which provides such care.”

Member's explanatory statement

This amendment is intended to bring the definition into line with the formulation for a social care worker in section 20(3) Courts and Criminal Justice Act 2015 and broadens the scope of the ASCNB to cover all adult social care workers, so that it is not just confined to employees as at present.

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 42

LORD HENDY

Clause 42, page 64, line 34, at end insert “and has failed to provide for or has failed to exhaust an agreed dispute resolution procedure which would result in a binding resolution, in which case the regulations may provide for the disagreement to be referred to a binding dispute resolution procedure culminating in binding arbitration by an independent and impartial arbitrator.”

Member's explanatory statement

This substitutes a dispute resolution machinery for the power of the State to dictate the outcome of the Negotiating Body where there is a failure to agree. The amendment thus partially fulfils the requirements of the ILO for free and voluntary collective bargaining.

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.

LORD HENDY

Clause 44, page 65, line 16, leave out from “worker’s” to the end of line 20 and insert “engagement is to be no less favourable than that provided for in accordance with the agreement and shall have effect as a term of the social care worker’s contract.”

Member's explanatory statement

This removes the provision that a social care worker cannot enjoy more favourable terms than those approved by the appropriate authority, even if those more favourable terms have been or are subsequently collectively agreed or contractually binding.

LORD HENDY

Clause 44, page 65, line 16, leave out from “be” to the end of line 17 and insert “no less than that determined and paid in accordance with the agreement.”

Member's explanatory statement

This removes the provision that a social care worker cannot be paid more than that approved by the appropriate authority, even if the higher remuneration has been or is subsequently collectively agreed or contractually binding.

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.

Clause 45

LORD HENDY

Clause 45, page 65, line 34, leave out “employment” and insert “engagement”

Member's explanatory statement

This amendment is intended to broaden the scope of the ASCNB to cover all adult social care workers, not just those who are employees.

LORD HENDY

Clause 45, page 66, line 4, leave out from “be” to the end of line 5 and insert “no less than that determined and paid in accordance with the regulations.”

Member's explanatory statement

This removes the provision that a social care worker cannot be paid more than that approved by the appropriate authority, even if the higher remuneration has been or is subsequently collectively agreed or contractually binding.

LORD HENDY

Clause 45, page 66, line 7, leave out from “worker’s” to the end of line 8 and insert “engagement is to be no less favourable than that provided for in accordance with the regulations and shall have effect as a term of the social care worker’s contract.”

Member's explanatory statement

This removes the provision that a social care worker cannot be enjoy more favourable terms than those approved by the appropriate authority, even if those more favourable terms have been or are subsequently collectively agreed or contractually binding.

Clause 51

LORD HENDY

Lord Hendy gives notice of his intention to oppose the Question that Clause 51 stand part of the Bill.

Member's explanatory statement

Clause 51 as it stands gives the SoS power by regulation to determine that agreements reached by the Negotiating Body are not to be treated as collective agreements as defined by s.178 TULRCA. Without amendment, the provisions do not constitute the Negotiating Body as a body which collectively bargains.

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
LORD HENDY

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).”

LORD HENDY

After Clause 54, insert the following new Clause—

“Sectoral collective bargaining

- (1) The Secretary of State may make regulations for the establishment of Statutory Joint Industrial Councils.
- (2) The regulations shall provide that—
 - (a) a Statutory Joint Industrial Council shall be composed of equal numbers of—
 - (i) nominees of employers’ associations (or nominees of employers) which appear to ACAS to represent employers in the sector, and
 - (ii) nominees of independent trade unions which appear to ACAS to represent workers in the sector,
 - (b) a Statutory Joint Industrial Council shall have the function of conducting collective bargaining to—
 - (i) establish levels and rates of remuneration (including pensions), terms, conditions and other benefits for those who work in the particular sector of the economy;
 - (ii) determine any other matter within the scope of section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (collective agreements and collective bargaining);
 - (iii) formulate its constitution and procedural arrangements including a dispute resolution procedure;
 - (iv) resolve any other matter which the Statutory Joint Industrial Council desires to consider,
 - (c) any agreements reached by a Statutory Joint Industrial Council shall apply to the workers and employers in the relevant sector save to the extent that

- a previous or a subsequent contract or collective agreement makes more favourable provision,
- (d) it is for the Secretary of State (in the light of advice from ACAS) to determine what constitutes a sector of the economy for the purposes of establishing a Statutory Joint Industrial Council, and
- (e) a Statutory Joint Industrial Council may only be made following consultation with—
- (i) nominees of employers' associations (and/or nominees of employers) which appear to ACAS to represent employers in the sector, and
 - (ii) nominees of independent trade unions which appear to ACAS to represent workers in the sector."

Member's explanatory statement

This amendment is intended to enable regulations to be laid for sectoral collective bargaining in particular sectors of the economy. The concept of the Statutory Joint Industrial Council is taken from s.90 and Schedule 8, Employment Protection Act 1975, reproduced in Part II of the Wages Councils Act 1979.

Clause 55

LORD JACKSON OF PETERBOROUGH

Clause 55, page 73, line 11, leave out "must" and insert "may"

BARONESS NOAKES
LORD LONDESBOROUGH

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.

Clause 56

LORD JACKSON OF PETERBOROUGH

Clause 56, page 75, line 15, at end insert “and are limited to employers with 250 employees or more”

Member's explanatory statement

This amendment excludes small and medium sized enterprises from some of the more potentially onerous obligations and provisions in this clause.

LORD JACKSON OF PETERBOROUGH

Clause 56, page 75, line 27, at end insert “with written notice of not less than 24 hours prior to the date and time of the access requested, whether the request is made physically or by any other form of communication.”

Member's explanatory statement

This amendment intends to allow better preparation and structure of trade unions' communications and also reduce potential workplace disruption.

LORD JACKSON OF PETERBOROUGH

Clause 56, page 75, line 36, at end insert –

“(d) be applicable to an employer with 250 or more employees.””

Member's explanatory statement

This amendment excludes small and medium sized enterprises from some of the more potentially onerous obligations and provisions in this clause.

LORD HENDY

Clause 56, page 80, line 34, at end insert –

“(5A) A declaration made by the Central Arbitration Committee under section subsection 70ZI(5)(b) may be enforced in the High Court as if it were a declaration of the High Court and, for the avoidance of doubt, such enforcement may include –

- (a) an Order to comply with the declaration of the Central Arbitration Committee, and
- (b) in relation to any failure to comply with an Order of the High Court, proceedings for contempt of Court.”

Member's explanatory statement

This amendment is intended to provide an effective remedy for breach of an access order since the payment by the employer of a fine to the CAC does not provide a means by which a trade union may enforce a right of access pursuant to an order for such access.

After Clause 56

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

After Clause 56, 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.

Clause 57

LORD JACKSON OF PETERBOROUGH

Lord Jackson of Peterborough gives notice of his intention to oppose the Question that Clause 57 stand part of the Bill.

Member's explanatory statement

Leaving out clause 57 would allow SMEs to continue to have an opt out from the compulsory duty to recognise a trade union irrespective of the number of employees working for the SME.

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.

LORD JACKSON OF PETERBOROUGH

Lord Jackson of Peterborough gives notice of his intention to oppose the Question that Schedule 6 stand part of the Bill.

Member's explanatory statement

This is consequential on Lord Jackson's amendment to leave out Clause 57.

Clause 59

LORD JACKSON OF PETERBOROUGH

Clause 59, page 87, line 27, leave out "eight" and insert "four"

Member's explanatory statement

This amendment seeks to require the trades union to provide an opt out information notice in a timelier manner.

LORD JACKSON OF PETERBOROUGH

Clause 59, page 87, line 30, leave out "eight" and insert "four"

Member's explanatory statement

This amendment seeks to require the trades union to provide an opt out information notice in a timelier manner.

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 61

LORD JACKSON OF PETERBOROUGH

Clause 61, page 89, line 33, after “take” insert “reasonable”

LORD JACKSON OF PETERBOROUGH

Clause 61, page 89, line 34, after “with” insert “appropriate”

LORD JACKSON OF PETERBOROUGH

Clause 61, page 89, line 36, leave out “employer” insert “employee”

Member's explanatory statement

This amendment seeks to maintain a reasonable balance of obligations and responsibilities between employers and employees.

LORD JACKSON OF PETERBOROUGH

Clause 61, page 89, line 37, leave out “employee” insert “employer”

Member's explanatory statement

This amendment seeks to maintain a reasonable balance of obligations and responsibilities between employers and employees.

LORD JACKSON OF PETERBOROUGH

Clause 61, page 90, line 13, after “take” insert “reasonable”

Member's explanatory statement

This amendment seeks to maintain a reasonable balance of obligations and responsibilities between employers and employees.

LORD JACKSON OF PETERBOROUGH

Clause 61, page 90, line 14, after “with” insert “appropriate”

Member's explanatory statement

This amendment seeks to maintain a reasonable balance of obligations and responsibilities between employers and employees.

LORD JACKSON OF PETERBOROUGH

Clause 61, page 90, line 16, leave out “employer” insert “employee”

Member's explanatory statement

This amendment seeks to maintain a reasonable balance of obligations and responsibilities between employers and employees.

LORD JACKSON OF PETERBOROUGH

Clause 61, page 90, line 17, leave out “employee” insert “employer”

Member's explanatory statement

This amendment seeks to maintain a reasonable balance of obligations and responsibilities between employers and employees.

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 64

LORD HENDY

After Clause 64, insert the following new Clause –

“Right to take industrial action

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) After section 219, insert –

“219A Right to strike

Every worker shall have the right to take industrial action, whether or not in breach of any contract, subject to the provisions of this Part.”

Member's explanatory statement

This amendment would establish a clear positive right to strike (and take action short of a strike).

LORD HENDY

After Clause 64, insert the following new Clause –

“Right to take industrial action

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) Omit section 223 (action taken because of dismissal for taking unofficial action).”

Member's explanatory statement

These amendments would remove section 223 of the 1992 Act which renders industrial action unlawful if one of the reasons for the industrial action is that the employer has dismissed one or more workers for taking unofficial industrial action.

LORD HENDY

After Clause 64, insert the following new Clause—

“Right to take industrial action

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) In subsection (1) of section 220 (peaceful picketing), for sub-paragraphs (a) and (b) substitute “a place of work”.
- (3) In section 220, omit subsections (2) to (4).
- (4) Omit section 224 (secondary action).
- (5) In subsection (1) of section 244 (meaning of “trade dispute” in Part V), for “a dispute between workers and their employer” substitute “a dispute between workers and one or more employers”.
- (6) In subsection (1) of section 244, for “which relates wholly or mainly to” substitute “connected with”.
- (7) In subsection (5) of section 244, for “a worker employed by that employer” substitute “a worker employed by an employer”.

Member's explanatory statement

These amendments would remove the provisions (in sections 224 and 244) that render unlawful all forms of ‘secondary’ industrial action including the rights of pickets to picket places of work other than their own.

LORD HENDY

After Clause 64, insert the following new Clause—

“Right to take industrial action

- (1) The Trade Union and Labour Relations Act (Consolidation) 1992 is amended as follows.
- (2) Omit section 225 (pressure to impose union recognition requirement).”

Member's explanatory statement

This amendment would restore the law permitting industrial action to be taken to achieve recognition for collective bargaining.

LORD HENDY

After Clause 64, insert the following new Clause –

“Right to take industrial action

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) Omit section 226A (notice of ballot and sample paper for employers).”

Member's explanatory statement

This amendment would remove the obligation on a trade union to give notice (and a copy ballot paper) to the employer of any proposed industrial action ballot.

LORD HENDY

After Clause 64, insert the following new Clause –

“Right to take industrial action

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) Omit section 228 (Separate workplace ballots).
- (3) Omit section 228A (Separate workplaces: single and aggregate ballots).”

Member's explanatory statement

This amendment would restore to trade unions the freedom to choose which constituencies they will ballot.

Clause 65

LORD GODDARD OF STOCKPORT

Clause 65, page 95, line 12, leave out subsection (2)

Member's explanatory statement

This probing amendment would reinstate the 50% threshold requirement for industrial action to be voted on by a trade union and seeks to understand whether the Government perceives a risk to the democratic integrity of trade union ballots for industrial action as a result of the provisions to remove the 50% requirement.

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 GODDARD OF STOCKPORT

Clause 69, page 96, line 32, leave out “12” and insert “6”

Member's explanatory statement

This probing amendment would change the industrial action ballot mandate from 12 months to 6 months.

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.

LORD HENDY

After Clause 70, insert the following new Clause—

“Right to take industrial action

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) In section 231 (Provision of ballot result to members), leave out “take such steps as are reasonably necessary” and insert “display reasonably prominently on its website on a webpage reasonably easy to find and which is freely accessible to the general public”.
- (3) Omit section 231A (employers to be informed of ballot result).”

Member's explanatory statement

These amendments would remove the ambiguity as to the need to send out the ballot result by post to members and employers and enable them or any member of the public to access the result online.

Clause 71

LORD HENDY

Clause 71, page 97, line 8, leave out paragraphs (a) to (c) and insert—

“(a) omit subsections (3) to (3E) and insert—

“(3) For the purposes of this section a relevant notice is one in writing which identifies—

- (a) the day or the first of the days on which, at the time of the service of the notice industrial action, the union intends to call industrial action;
- (b) the principal broad categories of worker the union intends to call on to take industrial action.”

(b) omit subsections (5) to (9).”

Member's explanatory statement

The amendment would simplify the complexity of the provisions for giving notice of industrial action which complexity is incompatible with the UK's international legal obligations.

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 73LORD 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 73

LORD HENDY

After Clause 73, insert the following new Clause –

“Industrial action by prison officers

Omit sections 127 (inducements to withhold services or to indiscipline) and 127A (power to suspend the operation of section 127) of the Criminal Justice and Public Order Act 1994.”

Member's explanatory statement

This amendment is intended to restore the right to strike to prison officers and their union.

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.

LORD HENDY

★ After Clause 83, insert the following new Clause –

“Consequential amendments to Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992

In section 209 of the Trade Union and Labour Relations (Consolidation) Act 1992 (general duty to promote improvement of industrial relations), after “relations”, insert “and in particular to encourage the extension of collective bargaining and the development and, where necessary, reform of collective bargaining machinery”.”

Member's explanatory statement

This amendment is intended to restore the original wording of s.209 as passed in 1992. It would restore to ACAS the duty to encourage collective bargaining, a duty that is specifically required of Member States by ILO Convention 98 and European Social Charter Article 6(2).

After Clause 86

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.”

LORD HENDY

After Clause 86, insert the following new Clause –

“Employment terms to be determined by collective agreement

In the Trade Union and Labour Relations (Consolidation) Act 1992, after section 187, insert the following new Clause –

“187A Action plan: determining terms and conditions by collective agreement

The Secretary of State must lay before Parliament within six months of the day on which this Act is passed, and after consultation with organisations representing employers and trade unions, an action plan to achieve within five years that the principal terms and conditions of employment of at least 80 percent of workers (which term shall include those in employment and those who are self-employed) in the United Kingdom are determined by collective agreement.”

Member's explanatory statement

This amendment is intended to enable the UK to keep pace with the EU Adequate Minimum Wage Directive (2022/2041). That Directive requires every EU country with less than 80% of its workforce covered by collective agreements to produce an action plan to achieve this level of coverage within 5 years.

Schedule 7

LORD DAVIES OF BRIXTON

★ Schedule 7, page 262, line 27, at end insert –

“Pensions Act 2004

26A Section 259 of the Pensions Act 2004 (Consultation by employers: occupational pension schemes).”

Member's explanatory statement

This amendment, together with another amendment to Schedule 7, seeks to include employer obligations to their employees relating to pensions within the scope of legislation subject to enforcement under Part 5.

LORD HUNT OF WIRRAL

Schedule 7, page 264, line 2, leave out from “to” to end of line 7 and insert “rights or entitlements conferred on employees or workers relating to hours, pay or holidays.”

Member's explanatory statement

Paragraph 35 of Schedule 7 would allow the powers of the Fair Work Agency (FWA) to be extended to cover enforcement of a broad range of legislation touching on employees, workers or trade unions. This amendment is intended to limit the potential extension of the FWA’s powers to pay, hours or holidays.

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.

BARONESS NOAKES

Clause 90, page 109, line 23, at end insert –

“(8) At least once a year the Board must prepare a report setting out the advice that it has given the Secretary of State and send it to the Secretary of State who must lay the report before Parliament.”

Member's explanatory statement

This amendment would ensure that Parliament was informed about the advice given to the Secretary of State by the Advisory Board.

Clause 91BARONESS NOAKES
LORD LONDESBOROUGH

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

- (1) 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.
- (2) 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 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
LORD LONDESBOROUGH

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 149

BARONESS NOAKES

After Clause 149, insert the following new Clause—

“Employment Law Advisory Committee

- (1) There shall be a committee, to be known as the Employment Law Advisory Committee (in this Act referred to as “the Committee”, for the purposes of—
 - (a) giving advice and assistance to the Secretary of State in connection with the Secretary of State’s functions under this Act and any other relevant labour market legislation, and
 - (b) performing such other duties as may be assigned to the Committee under any enactment.
- (2) The Committee shall consist of no more than 10 members appointed by the Secretary of State and include equal numbers of each of the following—
 - (a) persons appearing to the Secretary of State to represent the interests of workers,
 - (b) persons appearing to the Secretary of State to represent the interests of employers, and
 - (c) persons who have relevant expertise but who do not fall within paragraph (a) or (b).
- (3) The Chairman of the Committee shall be appointed by the Secretary of State from one of the persons within subsection (2)(b).
- (4) The Secretary of State may by regulations set out matters relevant to the constitution and operation of the Committee.”

Member's explanatory statement

This amendment sets up a Committee to advise the Secretary of State on regulations made under this Act and other labour market legislation. It is intended to be similar to the Social Security Advisory Committee which advises the Secretary of State in relation to social security regulations.

BARONESS NOAKES

After Clause 149, insert the following new Clause—

“Functions of the Committee in relation to regulations

- (1) Where the Secretary of State proposes to make regulations under this Act or other relevant labour market legislation the Secretary of State shall refer the proposals, in the form of draft regulations or otherwise to the Committee.

- (2) Subsection (1) does not apply to any proposal in respect to regulations which appear to the Secretary of State to be urgent or where the Committee agrees that they shall not be referred.
- (3) The Committee shall consider any proposals referred to it by the Secretary of State under subsection (1) and shall make a report to the Secretary of State containing such recommendations with regard to the subject matter of the proposals as the Committee considers appropriate.
- (4) If after receiving a report of the Committee the Secretary of State lays before Parliament any regulations or draft regulations which comprise the whole or any part of the subject matter of the proposals referred to the Committee, the Secretary of State shall lay with the regulations or draft regulations a copy of the Committee's report and a statement showing—
 - (a) the extent, if any, to which the Secretary of State has given effect to the Committee's recommendations in framing the regulations, and
 - (b) in so far as effect has not been given to them, the Secretary of State's reasons for not doing so."

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
LORD CLEMENT-JONES

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.”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“Employer use of AI

Any employer who develops, deploys or uses AI in relation to their workers must ensure that such use of AI adheres to the principles of –

- (a) safety, security and robustness,
- (b) transparency and explainability,
- (c) fairness,
- (d) accountability, assurance and governance,
- (e) accessibility and inclusive by design, and
- (f) contestability and redress.”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“AI responsible officers

- (1) The Secretary of State, having consulted those organisations and individuals that she or he considers appropriate, must by regulations provide that any business which develops, deploys or uses AI, in relation to their workers, must have a designated AI officer, with duties –
 - (a) to ensure the safe, ethical, unbiased and non-discriminatory use of AI by the business in relation to their workers,
 - (b) to ensure, so far as reasonably practicable, that data used by the business in any AI technology is unbiased.
- (2) Section 414C of the Companies Act 2006 (contents of strategic report) is amended as follows.
- (3) After sub-paragraph (7)(b)(iii), insert –
 - “(iv) any development, deployment or use of AI by the company, and the name and activities of the AI officer designated under the Employment Rights Act 2025”.”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“Employer and worker development, deployment or use of AI: Transparency, IP obligations and labelling

- (1) The Secretary of State, after consulting such persons as she or he considers appropriate, must by regulations provide that –
 - (a) any worker involved in training AI must –
 - (i) supply to the relevant Government department a record of all third-party data and intellectual property (“IP”) used in that training, and
 - (ii) assure the relevant department that they use all such data and IP by informed consent; and comply with all applicable IP and copyright obligations.
 - (b) any worker supplying a product or service involving AI must give customers clear and unambiguous health warnings, labelling and opportunities to give or withhold informed consent in advance, and
 - (c) any employer which develops, deploys or uses AI in relation to their workers must allow independent third parties accredited by a designated body to audit its processes and systems.
- (2) Regulations under this section must provide for informed consent to be express (opt-in).”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“AI use of worker’s data

No worker’s data can be ingested by AI, sold on to AI businesses or used in AI in any way without the express consent, on an opt-in basis, of that worker.”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“AI use in the workplace

No worker can be subject to any form of AI in the course of their work without them being meaningfully informed that AI is being used and having the right to decide whether they will be subject to use of that AI on an opt-in basis.”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“Workers experiencing automated decision-making

- (1) Any worker subject to automated decision-making (ADM) in the course of their employment is given a right to a personalised explanation so that they can understand decisions and meaningfully challenge them, if needed.
- (2) The personalised explanation must –
 - (a) be understandable, and assume limited technical knowledge of algorithmic systems,
 - (b) address how the decision affects the worker personally, explaining which aspects of the worker’s data have likely influenced the automated decisions (or alternatively a counterfactual of what change in their data would have resulted in a more favourable outcome),
 - (c) be in a readily accessible format that complies with equality duties,
 - (d) be free of charge, and not unfairly time-consuming to the worker,
 - (e) be provided through an accessible user interface, easily findable and free of deceptive design patterns,
 - (f) obligate data controllers to ensure human reviewers of algorithmic decisions have adequate capabilities, training, and authority to challenge and rectify automated decisions,
 - (g) obligate employers deploying ADM to demonstrate that they have sufficient technical capabilities and resources to identify and/or rectify aspects of algorithms that bear significant responsibility for biased decisions, at the point these systems are implemented, and
 - (h) place prohibitions on high-risk ADM, such that it is only permissible where algorithmic systems are sufficiently transparent to provide personalised explanations to workers on the contextual factors that influence a decision made against them (for example identifying where their demographic data has influenced algorithmic classifications).”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“Safeguards on ADM systems in relation to workers

Employers must consider their implementation of ADM safeguards before systems are deployed, including but not limited to requiring employers to provide documentation of such implementation in their data protection impact assessments.”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“Data controller duty to workers

Data controllers are required to notify workers where and how ADM is being used and provide information around their rights.”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“Blind and sight-impaired people employment gap: Royal Commission

- (1) On the day on which this Act is passed, the Secretary of State will establish a Royal Commission to consider all the evidence as to why the level of employment for blind and sight-impaired people has remained so far below the overall employment level in the UK for so long.
- (2) The Royal Commission will produce a cross-economy, cross-society, cross-government action plan within 18 months of its establishment.”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“AI in recruitment and employment

On the day on which this Act is passed, the Secretary of State will commission a review into the uses of AI in the fields of recruitment and employment. The review will consider –

- (a) such matters as the creation of a new regulator for the uses of AI in recruitment and employment, and
- (b) whether a cross sector, agile AI Regulator would enable the uses of AI in recruitment and employment to be covered alongside all other uses of AI in the economy, ensuring clarity and consistency of regulatory approach.”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“AI skills gap and workforce diversity

- (1) On the day on which this Act is passed, the Secretary of State will commission research to assess the size of the AI skills gap and current levels of diversity in the AI workforce.
- (2) Based on that research, the Secretary of State must publish an action plan on how the skills gap will be closed and how the diversity of the workforce will be increased to reflect the diversity of the UK.”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“AI top talent worker right to work in the UK

- (1) On the day on which this Act is passed, the Secretary of State will commission a programme to explore how the existing immigration system can be used to attract graduates from universities producing some of the world’s top AI talent.
- (2) These institutions may include those which are not currently included in the high potential individual visa eligibility list.”

LORD HOLMES OF RICHMOND

After Clause 150, insert the following new Clause –

“AI recruitment function

On the day on which this Act is passed, the Secretary of State will establish within the department a head-hunting capability function to attract AI top talent to the UK.”

LORD CLEMENT-JONES
THE EARL OF CLANCARTY

After Clause 150, insert the following new Clause –

“Definition of “freelancer”

After section 230 of the Employment Rights Act 1996 (employees, workers etc) insert –

“230A Definition of “freelancer”

- (1) For the purposes of this Act, a “freelancer” means an individual who is engaged to work by a company directly on flexible contracts, through their own company or through other companies on a short-term basis, and who is typically responsible for their own tax and national insurance contributions and is not entitled to the same employment rights as employees.
- (2) The Secretary of State may, by regulations, issue further guidance on the factors to be considered when determining whether an individual is a “freelancer” for the purposes of this Act, taking into account evolving working practices and relevant case law.”

Member's explanatory statement

This amendment provides a clearer definition of a freelancer.

LORD CLEMENT-JONES
THE EARL OF CLANCARTY

After Clause 150, insert the following new Clause –

“Duty to consider freelancer workforce

After section 230 of the Employment Rights Act 1996 (employees, workers etc) insert –

“230A Duty to consider freelancer workforce

- (1) When formulating new policies or regulations that may impact the workforce, relevant government departments, including but not limited to the Department for Business and Trade, the Department for Work and Pensions, and the Department for Culture, Media and Sport, must have due regard to the specific needs and circumstances of the freelancer workforce, as defined in section 230A.
- (2) The Freelance Commissioner must be consulted during the development of any such policies or regulations to provide expert advice on their potential impact on freelancers.”

Member's explanatory statement

This amendment places a duty on government departments to consider the needs of freelancers when developing new policies and regulations.

LORD GODDARD OF STOCKPORT

After Clause 150, insert the following new Clause –

“Impact on seasonal workers

- (1) The Secretary of State must, within 12 months of the coming into force of this Act, publish a report on the impact of the provisions of this Act on seasonal workers.
- (2) The report must include an assessment of –
 - (a) how the Act affects access to fair working hours, employment stability, and income predictability for seasonal workers, and
 - (b) how the application of the Act can support and promote access to appropriate work opportunities for individuals employed in seasonal roles.”

Member's explanatory statement

This amendment requires the Secretary of State to undertake a review of the provisions of this Act on seasonal workers.

LORD GODDARD OF STOCKPORT

After Clause 150, insert the following new Clause –

“Impact on hospitality workers

- (1) The Secretary of State must, within 12 months of the coming into force of this Act, publish a report on the impact of the provisions of this Act on workers in the hospitality sector.
- (2) The report must include an assessment of –
 - (a) how the Act influences the use of short-term contracts, shift scheduling practices, and access to employment protections, and
 - (b) how the operation of the Act can promote sustainable work opportunities for employees in the hospitality sector.”

Member's explanatory statement

This amendment requires the Secretary of State to undertake a review of the provisions of this Act on hospitality workers.

Clause 151

LORD HUNT OF WIRRAL

Lord Hunt of Wirral gives notice of his intention to oppose the Question that Clause 151 stand part of the Bill.

Clause 153LORD 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.

LORD CARTER OF HASLEMERE

Clause 153, page 149, line 21, at end insert –

- “(8) Regulations which would amend primary legislation may not be laid before Parliament unless an assessment of the impact of the regulation has been laid before Parliament and three months has elapsed from the date of the impact assessment being laid.”

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 156LORD 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

16 April 2025

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