

Employment Rights Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 27th March 2025, as follows –

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]

**Amendment
No.**

Before Clause 1

LORD FOX
LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

1 Before Clause 1, insert the following new Clause –

“Purpose

The purpose of this Act is to –

- (a) improve the fairness and security of employment;
- (b) facilitate cooperative arrangements between employers and workers, including the protection of workers’ rights and wellbeing;
- (c) make provisions about pay and conditions in certain sectors;
- (d) facilitate constructive workplace relations between employers and workers representatives, including trade unions;

- (e) make provisions about the enforcement of labour market legislation.”

Member's explanatory statement

This amendment inserts a new Clause at the beginning of the Bill to set out its overarching purpose and provides a framework for understanding the aims of the legislation.

Clause 1

LORD MOYNIHAN OF CHELSEA

- 2 Clause 1, page 2, line 8, leave out from beginning to end of line 11 on page 4

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

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

LORD FOX

- 4★ Clause 1, page 2, line 9, at beginning insert “If requested by an employee,”

Member's explanatory statement

This amendment changes the provisions in the Bill from a requirement for an employer to offer guaranteed hours to a right to request guaranteed hours by an employee.

BARONESS NOAKES
LORD LONDESBOROUGH
LORD VAUX OF HARROWDEN

- 5 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

- 6 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

- 7 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

- 8 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

- 9 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

- 10 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

- 11 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

- 12 Clause 1, page 3, line 21, leave out “with the specified day” and insert “26 weeks after the day on which the period began”

Member's explanatory statement

This amendment defines each initial reference period as being 26 weeks long.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 13 Clause 1, page 3, line 23, leave out “beginning and ending with the specified days” and insert “of 26 weeks”

Member's explanatory statement

This amendment defines each “subsequent reference period” as being 26 weeks long.

BARONESS JONES OF WHITCHURCH

- 14 Clause 1, page 4, line 2, at end insert —

“(8A) Subsection (8B) applies where —

- (a) a worker’s contract or arrangement requires an employer to make work available to a worker for a number of hours, and
- (b) some or all of those hours may be made available either on days falling within a reference period or on days falling within another period (all of the days on which the hours may be so made available together forming “the longer period”).

In subsection (8B), “the unassigned hours” are the hours that may be made available at any time during the longer period as described in paragraph (b).

(8B) Where this subsection applies —

- (a) subsection (3)(a)(ii) is to apply as if the contract or arrangement required the employer to make work available to the worker during the reference period for the apportioned number of the unassigned hours (in addition to any other hours that the employer is required to make available to the worker during the reference period);
- (b) “the apportioned number” of the unassigned hours is —

$$H \times \frac{D1}{D2}$$

where —

H is the number of the unassigned hours

D1 is the number of days in the reference period that fall within the longer period

D2 is the number of days in the longer period.

- (8C) Where there is more than one longer period in relation to the same reference period, subsection (8B) is to be applied separately in relation to each longer period.”

Member's explanatory statement

This amendment makes provision, for the purposes of proposed section 27BA(3)(a)(ii) of the Employment Rights Act 1996, about the calculation of the number of hours for which an employer is required to make work available to a worker during a reference period in cases where hours might be made available in that period or another period.

LORD GODDARD OF STOCKPORT

15 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.

LORD PARKINSON OF WHITLEY BAY

16★ Clause 1, page 4, line 9, at end insert –

- “(10A) In making regulations relating to the duty to offer guaranteed hours under this section, the Secretary of State must have regard to the nature of the work and operational characteristics of different sectors, including but not limited to sectors with irregular or seasonal work patterns.
- (10B) Specifically, in sectors where work schedules are inherently variable and unpredictable, such as the theatre sector, the Secretary of State shall consider the concept of Available Hours, which reflects the actual hours an employer can reasonably offer workers based on the known operational needs of the sector, without imposing undue rigidity on employers or creating unfair advantage or disadvantage for workers.
- (10C) The Secretary of State must by regulations issue specific guidance on how employers in sectors with variable work patterns may meet their obligations to offer guaranteed hours, while taking into account the fluctuating nature of work, the distribution of available hours, and the need for flexibility to accommodate the unique operational demands of the sector.”

Member's explanatory statement

This amendment ensures the Secretary of State considers sector-specific work patterns, like those in the theatre industry, when regulating guaranteed hours.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

17 Clause 1, page 4, line 11, at end insert –

- “(12) Subsection (1) does not apply where a qualifying worker has opted out of receiving a guaranteed hours contract.
- (13) A qualifying worker may opt out of receiving a guaranteed hours contract if –
- (a) the employer has provided the worker with written information about the guaranteed hours system and the worker’s rights under this Chapter,
 - (b) the worker has given written notice to the employer in a prescribed form indicating their wish to opt out, and
 - (c) the employer provides the worker, at intervals of no more than six months, with a written reminder of their right to opt in to receive a guaranteed hours contract at any time.”

Member's explanatory statement

This amendment allows a qualifying worker to opt out of receiving a guaranteed hours contract, provided they have been given written information about the system and their rights, submit written notice to the employer in a prescribed form, and are reminded at least every six months of their right to opt back in at any time.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

18★ Clause 1, page 8, leave out lines 41 to 44

Member's explanatory statement

This amendment removes the Secretary of State’s power to make regulations specifying additional circumstances in which the duty to offer a guaranteed hours contract does not apply, or an offer may be treated as withdrawn.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

19★ Clause 1, page 9, leave out lines 6 to 21

Member's explanatory statement

This amendment is consequential on another amendment in my name to remove the Secretary of State's power to make regulations specifying additional circumstances in which the duty to offer a guaranteed hours contract does not apply, or an offer may be treated as withdrawn.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

20★ Clause 1, page 11, line 42, at end insert –

- “(7A) Where a guaranteed hours offer is accepted by a worker and such acceptance constitutes a permanent contractual variation, the employer may, within a period of six months beginning with the day after the variation takes effect, propose a further variation of the arrangement in response to a material change in business operations.
- (7B) Any such variation must be –
- (a) unrelated to the worker's exercise of rights under this Part,
 - (b) based on a material change in business operations, including overstaffing, reduction in operational needs, or other circumstances that significantly impact the employer's ability to meet the terms of the guaranteed hours arrangement;
 - (c) subject to consultation with the worker, including providing written notice of the proposed variation or termination, detailing the reason for the change, and offering the worker the opportunity to discuss potential alternatives or mitigations for the change.”

Member's explanatory statement

This amendment provides a limited mechanism for employers to propose changes to guaranteed hours arrangements within six months of acceptance, where there is a genuine material change in business operations.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

21★ Clause 1, page 15, line 8, at end insert –

- “(7A) Subsection (7) does not prevent an employer from effecting a dismissal by reason of redundancy within the meaning of section 139 of the Employment Rights Act 1996, where –
- (a) the dismissal is not principally or substantially due to the worker having made a request under section 27BA or having accepted a guaranteed hours offer, and
 - (b) the redundancy arises from genuine and demonstrable operational or business requirements, including but not limited to overstaffing directly attributable to the acceptance of guaranteed hours offers.

- (7B) For the purposes of subsection (7A), an employer may rely on evidence of workforce restructuring, significant changes in staffing demand, or any other legitimate business reason that would otherwise constitute a fair reason for dismissal under section 98(2)(c) of the Employment Rights Act 1996.”

Member's explanatory statement

This amendment clarifies that employers may still make redundancies where these are based on genuine business needs and not linked to a worker's exercise of rights under section 27BA. It ensures that the right to guaranteed hours does not unduly restrict legitimate workforce restructuring.

Clause 2

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 22 Clause 2, page 20, line 25, at end insert –

“(c) additional circumstances in which the duty imposed by section 27BI and 27BJ does not apply.”

Member's explanatory statement

This amendment seeks to provide the government with the power to establish regulations specifying circumstances where the duty to provide reasonable notice (as outlined in sections 27BI and 27BJ) does not apply.

Clause 3

BARONESS JONES OF WHITCHURCH

- 23 Clause 3, page 22, line 32, after “description” insert “that requires the employer to make some work available to the worker”

Member's explanatory statement

This amendment is being made to bring the amended provision into line with other provisions in the Bill.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 24 Clause 3, page 23, line 14, at end insert –

- “(5A) The Secretary of State may, by regulations, make provision for the duty imposed by section 27BP(1) not to apply, or to provide compensation for a cancelled, moved, or curtailed shift, in other specified circumstances.
- (5B) In subsection (5A), “specified circumstances” means situations that are outside the employer's reasonable control.”

Member's explanatory statement

This amendment introduces a provision to clarify that the Secretary of State has the power to make regulations outlining situations where the duty to provide compensation for cancelled, moved, or curtailed shifts does not apply.

BARONESS JONES OF WHITCHURCH

25 Clause 3, page 23, line 20, leave out from “given” to end of line 25 and insert “—

- (i) less than a specified amount of time before the earlier of when the shift would have started (if the shift had not been moved, or moved and curtailed) and when the shift is due to start (having been moved, or moved and curtailed);
- (ii) on or after the start of the shift;”

Member's explanatory statement

This amendment is consequential on my amendment to clause 3 that expands the meaning of the movement of a shift.

BARONESS JONES OF WHITCHURCH

26 Clause 3, page 24, leave out lines 7 to 10 and insert—

- “(9) For the purposes of this Chapter, references to the movement of a shift (however expressed) —
 - (a) are to any change to the time at which the shift is to start that is a change of more than a specified amount of time;
 - (b) include —
 - (i) where a shift is in two or more parts, a change of more than a specified amount of time to the time at which the second (or a subsequent) part is to start, and
 - (ii) a division of a shift into two or more parts where the time between the parts is more than a specified amount of time, but only if the change or division (as the case may be) results in the shift ending later.”

Member's explanatory statement

This amendment expands the meaning of the movement of a shift for the purposes of the provisions inserted into the Employment Rights Act 1996 by clause 3 of the Bill so as to deal with changes to the start time of a part of a shift or the division of a shift into parts.

LORD FOX

27 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 SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 28 Clause 3, page 25, line 30, leave out from “unless” to end of line 33 and insert “the employer had formally confirmed the shift to the worker”

Member's explanatory statement

This amendment replaces the “reasonable belief” test with a requirement that the shift must be formally confirmed to the worker to trigger compensation for cancellation, movement, or curtailment.

LORD GODDARD OF STOCKPORT

- 29 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.

BARONESS JONES OF WHITCHURCH

- 30 Clause 3, page 26, leave out lines 19 to 25 and insert –
- “(6) The duty in subsection (2) is to be taken not to have applied if –
- (a) the employer pays to the worker an amount in relation to a number of hours that is at least equal to the amount of the payment that the employer would have been required to make to the worker under section 27BP(1) in relation to the same number of hours but for regulations made under subsection (1)(c), and
 - (b) the payment is made on or before the day on which the payment under section 27BP(1) would have had to be made if the employer had been required to make it.”

Member's explanatory statement

This amendment changes the date by which a payment must be made in order for the duty to give a notice under proposed section 27BR(2) of the Employment Rights Act 1996 to be disapplied.

Schedule 1

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

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

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 32★ Schedule 1, page 166, leave out lines 11 to 28

Member's explanatory statement

This amendment removes the Secretary of State's power to make regulations transferring the duty to offer a guaranteed hours contract from the hirer to another party involved in the supply of agency workers.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 33★ Schedule 1, page 167, leave out lines 28 to 30 and insert —

- “(2) Determining whether reasonable notice of a shift was given must include an consideration of —
- (a) whether the work-finding agency offered the shift to the agency worker as soon as reasonably practicable after receiving confirmed information about the shift from the hirer in accordance with Regulation 18 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (S. I. 3319/2003);
 - (b) any time reasonably required by the agency to carry out suitability assessments in accordance with those Regulations.”

Member's explanatory statement

This amendment clarifies how “reasonable notice” should be assessed for agency workers. It ensures that the work-finding agency must offer the shift to the worker as soon as reasonably possible after receiving confirmed details from the hirer, and after the agency has conducted suitability assessments, in line with relevant regulations.

BARONESS JONES OF WHITCHURCH

- 34 Schedule 1, page 171, line 37, leave out from “given” to end of line 2 on page 172 and insert “—

- (i) less than a specified amount of time before the earlier of when the shift would have started (if the shift had not been moved, or moved and curtailed) and when the shift is due to start (having been moved, or moved and curtailed);
- (ii) on or after the start of the shift;”

Member's explanatory statement

This amendment is consequential on my amendment to Schedule 1 that expands the meaning of the movement of a shift.

BARONESS JONES OF WHITCHURCH

35 Schedule 1, page 172, leave out lines 19 to 22 and insert —

- “(5) For the purposes of this Part of this Schedule, references to the movement of a shift (however expressed) —
- (a) are to any change to the time at which the shift is to start that is a change of more than a specified amount of time;
 - (b) include —
 - (i) where a shift is in two or more parts, a change of more than a specified amount of time to the time at which the second (or a subsequent) part is to start, and
 - (ii) a division of a shift into two or more parts where the time between the parts is more than a specified amount of time,
 but only if the change or division (as the case may be) results in the shift ending later.”

Member's explanatory statement

This amendment expands the meaning of the movement of a shift for the purposes of Part 3 of proposed Schedule A1 to the Employment Rights Act 1996 so as to deal with changes to the start time of a part of a shift or the division of a shift into parts.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

36 Schedule 1, page 172, line 30, at end insert —

“Joint responsibility of hirers and work-finding agencies

- 21A(1) Where a work-finding agency is required under paragraph 21(1) to make a payment to an agency worker, the hirer is jointly liable for that payment if —
- (a) the cancellation, movement, or curtailment of the shift was initiated by the hirer, or
 - (b) the hirer failed to provide accurate or timely notice of the change to the agency or the agency worker, in breach of agreed terms.
- (2) The liability under sub-paragraph (1) is to be —
- (a) shared equally between the work-finding agency and the hirer, or
 - (b) allocated in accordance with any agreement between them, provided such agreement does not prejudice the agency worker’s right to timely and full payment.
- (3) The Secretary of State may by regulations make provision for —

- (a) determining liability in cases of dispute between the agency and the hirer;
- (b) specifying procedures for the recovery of sums from a hirer by a work-finding agency which has made payment to an agency worker under paragraph 21(1)."

Member's explanatory statement

This amendment introduces a new framework of joint liability between work-finding agencies and hirers where a shift is cancelled, moved or curtailed at short notice and a payment to the agency worker is required under paragraph 21(1).

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 37 Schedule 1, page 173, line 28, leave out from "unless" to end of line 31 and insert "the employer had formally confirmed the shift to the worker;"

Member's explanatory statement

This amendment replaces the "reasonable belief" test with a requirement that the shift must be formally confirmed to the worker, including agency workers, to trigger compensation for cancellation, movement, or curtailment.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 38 Schedule 1, page 173, line 33, at end insert –

- "(1A) Where the cancellation, movement or curtailment resulted from a failure by the hirer to comply with agreed notice arrangements, and the agency had no reasonable opportunity to inform the agency worker, the agency shall be exempt from liability under paragraph 21(1), provided that –
- (a) the agency notifies the worker in accordance with paragraph 23(4), and
 - (b) the hirer assumes full responsibility for the payment in accordance with paragraph 21A."

Member's explanatory statement

This amendment creates an exception to the agency's obligation to make a payment to an agency worker under paragraph 21(1), in situations where the hirer fails to meet agreed cancellation notice requirements.

BARONESS JONES OF WHITCHURCH

- 39 Schedule 1, page 174, line 17, after "(4)" insert "(b)"

Member's explanatory statement

This amendment corrects a cross-reference, bringing paragraph 23(5) of proposed Schedule A1 to the Employment Rights Act 1996 into line with the equivalent provision (section 27BR(3)) inserted by clause 3.

BARONESS JONES OF WHITCHURCH

40 Schedule 1, page 174, leave out lines 34 to 40 and insert —

“(8) The duty in sub-paragraph (4) is to be taken not to have applied if —

- (a) the work-finding agency or another person pays to the agency worker an amount in relation to a number of hours that is at least equal to the amount of the payment that the work-finding agency would have been required to make to the agency worker under paragraph 21(1) in relation to the same number of hours but for regulations made under sub-paragraph (1)(c), and
- (b) the payment is made on or before the day on which the payment under paragraph 21(1) would have had to be made if the work-finding agency had been required to make it.”

Member's explanatory statement

This amendment makes provision for agency workers that is equivalent to the provision made for non-agency workers by my amendment of clause 3 that leaves out lines 19 to 25 on page 26.

BARONESS JONES OF WHITCHURCH

41 Schedule 1, page 178, line 3, at end insert —

“(6) Where an employment tribunal finds as described in sub-paragraph (5)(c), the hirer is to be treated for the purposes of section 12A and Part 2A of the Employment Tribunals Act 1996 (financial penalties) as an employer and as having breached the right of the agency worker to which the complaint under paragraph 25(1)(c) relates.”

Member's explanatory statement

This amendment provides for provisions of the Employment Tribunals Act 1996 concerning financial penalties to apply in relation to a hirer who is added to proceedings under paragraph 25(7) of proposed Schedule A1 to the Employment Rights Act 1996 and who has a finding made against them in those proceedings.

Clause 5

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

42 Clause 5, page 30, line 35, leave out from “independence,” to end of line 36 and insert “or

- (ii) an employee representative body or staff association that —
 - (A) has been formally established for the purpose of consultation or negotiation with the employer,
 - (B) represents a defined group of the employer's workers or the workforce generally, and
 - (C) operates independently of the employer in its decision-making, and

the worker's employer."

Member's explanatory statement

This amendment expands the definition of an appropriate representative to include employee representative bodies or staff associations that are formally established, represent the workforce or defined groups of workers, and operate independently in decision-making. It ensures that workers can be represented by legitimate and independent collective structures beyond traditional trade unions.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 43 Clause 5, page 31, line 24, leave out from "independence," to end of line 25 and insert "or
- (ii) an employee representative body or staff association that –
 - (A) has been formally established for the purpose of consultation or negotiation with the hirer or the other party,
 - (B) represents a defined group of workers or agency workers supplied by the other party, and
 - (C) operates independently of the hirer or the other party in its decision-making, and
- the other party."

Member's explanatory statement

This amendment broadens the definition of an appropriate representative in relation to agency workers to include employee representative bodies or staff associations that are formally established, represent defined groups of workers or agency workers, and operate independently of the hirer or agency. It provides for independent representation in contexts beyond trade unions.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 44 Clause 5, page 33, line 16, at end insert –
- "(d) the conditions that must be met by an employee representative body or staff association for the purposes of section 27BW(3)(b)(ii) or 27BX(3)(b)(ii), including provision about –
 - (i) how such bodies are to be constituted or recognised,
 - (ii) the manner in which representatives are chosen,
 - (iii) the independence of such bodies from the employer or other party,
 - (iv) record-keeping and transparency requirements, and
 - (v) how and when agreements made by such bodies are to be notified to workers or agency workers."

Member's explanatory statement

This amendment allows regulations to specify the criteria and governance standards that employee representative bodies or staff associations must meet in order to be recognised under new sections 27BW(3)(b)(ii) and 27BX(3)(b)(ii), including provisions on their constitution, independence, transparency, and communication with workers or agency workers.

Clause 6

BARONESS JONES OF WHITCHURCH

45 Clause 6, page 34, line 14, at end insert –

““work-finding agency” has the meaning given by section 27BV;”

Member's explanatory statement

The definition of “work-finding agency” in proposed section 27BV of the Employment Rights Act 1996 applies for the purposes of Part 2A of that Act. This amendment adds reference to the definition to the Part 2A interpretation provision in proposed section 27BZ2 of that Act.

Schedule 2

BARONESS JONES OF WHITCHURCH

46 Schedule 2, page 178, line 27, at end insert –

“Insolvency Act 1986

A1 In the Insolvency Act 1986, in Schedule 6 (categories of preferential debts), in paragraph 13(2), before paragraph (a) insert –

“(za) a payment under section 27BP(1) of, or paragraph 21(1) of Schedule A1 to, the Employment Rights Act 1996 (payment for a cancelled, moved or curtailed shift);”.

Member's explanatory statement

This amendment will make payments under proposed section 27BP(1) of, and paragraph 21(1) of Schedule A1 to, the Employment Rights Act 1996 (payments for cancelled, moved or curtailed shifts) preferential debts for the purposes of the Insolvency Act 1986.

BARONESS JONES OF WHITCHURCH

47 Schedule 2, page 178, line 29, leave out “In the Employment Tribunals Act 1996,” and insert –

“The Employment Tribunals Act 1996 is amended as follows.

1A (1) Section 12A (financial penalties) is amended as follows.

- (2) In subsection (11), in the definition of “employer”, after paragraph (a) insert –
- “(aa) in relation to a right conferred by Chapter 3 or 4 of Part 2A, or section 47H, of the Employment Rights Act 1996, includes a person who is an employer by virtue of section 27BJ(7) or (as the case may be) 27BP(8) of that Act;
 - (ab) in relation to a right conferred by Part 1 or 2 of Schedule A1 to the Employment Rights Act 1996, or Chapter 6 of Part 2A of that Act so far as relating to Part 1 of Schedule A1 to that Act, includes the hirer within the meaning of the relevant Part of that Schedule;
 - (ac) in relation to a right conferred by Part 1, 2 or 3 of Schedule A1 to the Employment Rights Act 1996, includes (where it would not otherwise do so) the work-finding agency within the meaning of the relevant Part of that Schedule;
 - (ad) in relation to a right conferred by section 47I of the Employment Rights Act 1996, includes (where it would not otherwise do so) a person who is a relevant person within the meaning of that section;”.
- (3) In that subsection, in the definition of “worker”, for the words from “includes” to the end of the definition substitute “–
- (a) includes an individual seeking to be employed by a person as a worker;
 - (b) in relation to a right conferred by Chapter 3 or 4 of Part 2A, or section 47H, of the Employment Rights Act 1996, includes an individual who is a worker by virtue of section 27BJ(7) or (as the case may be) 27BP(8) of that Act;
 - (c) in relation to a right conferred by –
 - (i) Part 1, 2 or 3 of Schedule A1 to the Employment Rights Act 1996,
 - (ii) Chapter 6 of Part 2A of that Act so far as relating to Part 1 of Schedule A1 to that Act, or
 - (iii) section 47I of that Act,
 includes (where it would not otherwise do so) an agency worker within the meaning of Part 2A of that Act (see section 27BV of that Act).””

Member's explanatory statement

This amendment inserts an amendment of section 12A of the Employment Tribunals Act 1996 that is consequential on provisions of the Employment Rights Act 1996 to be inserted by clauses 2, 3 and 5 of, and Schedules 1 and 2 to, the Bill.

BARONESS JONES OF WHITCHURCH

Schedule 2, page 178, line 29, before second “in” insert –

“1B (1) Section 16 (power to provide for recoupment of benefits) is amended as follows.

(2) In subsection (1), after paragraph (d) insert –

“(da) payments under section 27BP(1) of, or paragraph 21(1) of Schedule A1 to, the Employment Rights Act 1996,”.

(3) At the end insert –

“(7) In the application of this section to payments which are the subject of proceedings under Chapter 2, 3 or 4 of Part 2A of the Employment Rights Act 1996, or Chapter 6 of Part 2A of that Act so far as relating to Chapter 2 of that Part, and which are compensation for loss of wages (see subsection (1)(a)) –

- (a) references to an employer are to be read as if they were references to an employer within the meaning of the relevant Chapter of that Part;
- (b) references to an employee are to be read as if they were references to a worker within the meaning of the relevant Chapter of that Part.

(8) In the application of this section to payments which are the subject of proceedings under Part 1, 2 or 3 of Schedule A1 to the Employment Rights Act 1996, or Chapter 6 of Part 2A of that Act so far as relating to Part 1 of that Schedule, and which are compensation for loss of wages (see subsection (1)(a)) –

- (a) references to an employer are to be read as if they were references to a hirer or (as the case may be) a work-finding agency within the meaning of the relevant Part of that Schedule;
- (b) references to an employee are to be read as if they were references to an agency worker within the meaning of Part 2A of that Act.

(9) In the application of this section to payments under Part 5 of the Employment Rights Act 1996 (see subsection (1)(c)(i)) by virtue of section 47H of that Act –

- (a) references to an employer are to be read as if they were references to an employer within the meaning of that section;
- (b) references to an employee are to be read as if they were references to a worker within the meaning of that section.

(10) In the application of this section to payments under Part 5 of the Employment Rights Act 1996 (see subsection (1)(c)(i)) by virtue of section 47I of that Act –

- (a) references to an employer are to be read as if they were references to a relevant person within the meaning of that section;
- (b) references to an employee are to be read as if they were references to an agency worker within the meaning of Part 2A of that Act.

(11) In the application of this section to payments under section 27BP(1) of the Employment Rights Act 1996 (see subsection (1)(da)) –

- (a) references to an employer are to be read as if they were references to an employer within the meaning of Chapter 4 of Part 2A of that Act;
 - (b) references to an employee are to be read as if they were references to a worker within the meaning of that Chapter.
- (12) In the application of this section to payments under paragraph 21(1) of Schedule A1 to the Employment Rights Act 1996 (see subsection (1)(da)) –
 - (a) references to an employer are to be read as if they were references to a work-finding agency within the meaning of Part 2A of that Act;
 - (b) references to an employee are to be read as if they were references to an agency worker within the meaning of that Part.””

Member's explanatory statement

This amendment inserts an amendment of section 16 of the Employment Tribunals Act 1996 that is consequential on provisions of the Employment Rights Act 1996 to be inserted by clauses 1 to 3 and 5 of, and Schedules 1 and 2 to, the Bill.

BARONESS JONES OF WHITCHURCH

- 49 Schedule 2, page 180, line 3, at end insert “(whether or not the worker referred to the possibility of bringing such proceedings)”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 2, page 180, leaving out lines 7 to 18.

BARONESS JONES OF WHITCHURCH

- 50 Schedule 2, page 180, leave out lines 7 to 18 and insert –
- “(3) It is immaterial for the purposes of subsection (1)(d) or (e) whether or not the proceedings were, or would have been, well-founded provided that the worker acted in good faith in bringing the proceedings or alleging the existence of the circumstance.”

Member's explanatory statement

This amendment, together with my amendment to Schedule 2, page 180, line 3, replaces the current subsections (3) and (4) of proposed section 47H of the Employment Rights Act 1996 so that they work correctly for all categories of proceedings mentioned in subsection (1)(d) of that proposed section.

BARONESS JONES OF WHITCHURCH

- 51 Schedule 2, page 181, line 25, at end insert “(whether or not the agency worker referred to the possibility of bringing such proceedings)”

Member's explanatory statement

See the explanatory statement for my amendment to Schedule 2, page 181, leaving out lines 30 to 44.

BARONESS JONES OF WHITCHURCH

52 Schedule 2, page 181, leave out lines 30 to 44 and insert—

- “(3) It is immaterial for the purposes of subsection (1)(d) or (e) whether or not the proceedings were, or would have been, well-founded provided that the agency worker acted in good faith in bringing the proceedings or alleging the existence of the circumstance.”

Member's explanatory statement

This amendment, together with my amendment to Schedule 2, page 181, line 25, replaces the current subsections (3) and (4) of proposed section 47I of the Employment Rights Act 1996 so that they work correctly for all categories of proceedings mentioned in subsection (1)(d) of that proposed section.

BARONESS JONES OF WHITCHURCH

53 Schedule 2, page 184, line 26, leave out “or (5)” insert “, (5) or (7)(b) or 27BY(5)”

Member's explanatory statement

This amendment adds to the types of dismissal that are to be regarded as automatically unfair under proposed section 104BA of the Employment Rights Act 1996.

BARONESS JONES OF WHITCHURCH

54 Schedule 2, page 184, line 28, at end insert “(whether or not the employee referred to the possibility of bringing such proceedings)”

Member's explanatory statement

This amendment is consequential on my amendment to Schedule 2, page 184, line 26.

BARONESS JONES OF WHITCHURCH

55 Schedule 2, page 184, leave out lines 31 to 37 and insert—

- “(4) It is immaterial for the purposes of subsection (3) whether or not the proceedings were, or would have been, well-founded provided that the employee acted in good faith in bringing the proceedings or alleging the existence of the circumstance.”

Member's explanatory statement

This amendment is consequential on my amendment to Schedule 2, page 184, line 26 and, together with my amendment to Schedule 2, page 184, line 28, reflects the approach taken in other of my

amendments to Schedule 2 by replacing the current subsections (4) and (5) with provision that works for all the categories of proceedings.

BARONESS JONES OF WHITCHURCH

- 56 Schedule 2, page 185, line 31, at end insert “(whether or not the employee referred to the possibility of bringing such proceedings)”

Member's explanatory statement

This amendment is for consistency with the change made by my amendment to Schedule 2, page 184, line 28.

BARONESS JONES OF WHITCHURCH

- 57 Schedule 2, page 185, leave out lines 34 to 39 and insert –

“(4) It is immaterial for the purposes of subsection (3) whether or not the proceedings were, or would have been, well-founded provided that the employee acted in good faith in bringing the proceedings or alleging the existence of the circumstance.”

Member's explanatory statement

This amendment is for consistency with the change made by my amendment to Schedule 2, page 184, leaving out lines 31 to 37.

BARONESS JONES OF WHITCHURCH

- 58 Schedule 2, page 187, line 8, at end insert –

“13A In section 184 (debts to which Part 12 of the Act (insolvency of employers) applies), in subsection (2), before paragraph (a) insert –

“(za) a payment under section 27BP(1) or paragraph 21(1) of Schedule A1.”

Member's explanatory statement

This amendment will make payments under proposed section 27BP(1) of, and paragraph 21(1) of Schedule A1 to, the Employment Rights Act 1996 (payments for cancelled, moved or curtailed shifts) subject to the provision in Part 12 of that Act about insolvent employers.

BARONESS JONES OF WHITCHURCH

- 59 Schedule 2, page 187, line 8, at end insert –

“13B (1) Section 202 (national security restrictions on disclosure of information) is amended as follows.

- (2) In subsection (2), after paragraph (a) insert –
 - “(aa) Chapters 2 to 6 of Part 2A (including Schedule A1),”.
- (3) In subsection (2)(b), for “and 47C” substitute “, 47C, 47H and 47I”.
- (4) In subsection (2)(g)(i) –
 - (a) for “or 103” substitute “, 103, 104BA or 104BB”;
 - (b) after “application” insert “in relation to rights conferred by Chapters 2 to 6 of Part 2A (including Schedule A1) or”.
- (5) In subsection (2)(g)(ii), for “or (6)” substitute “, (6), (7BZA) or (7BZB)”.

Member's explanatory statement

This amendment will prevent information from being disclosed under provisions inserted into the Employment Rights Act 1996 by clauses 1 to 3 and 5 of, and Schedules 1 and 2 to, the Bill, or in court or tribunal proceedings relating to those provisions, if its disclosure would, in the opinion of a Minister of the Crown, be contrary to the interests of national security.

BARONESS JONES OF WHITCHURCH

60 Schedule 2, page 187, line 24, at end insert –

“14A (1) Section 206 (institution or continuance of tribunal proceedings) is amended as follows.

- (2) In subsection (2), after paragraph (a) insert –
 - “(aa) Chapters 2 to 6 of Part 2A (including Schedule A1),”.
- (3) After subsection (9) insert –
 - “(10) In the application of this section and section 207 in relation to Chapter 2, 3 or 4 of Part 2A, or Chapter 6 of Part 2A so far as relating to Chapter 2 of that Part, references to an employee are to be read as if they were references to a worker within the meaning of the relevant Chapter of that Part.
 - (11) In the application of this section and section 207 in relation to Chapter 3 or 4 of Part 2A, references to an employer are to be read as if they were references to an employer within the meaning of the relevant Chapter of that Part.
 - (12) In the application of this section and section 207 in relation to Chapter 5 of Part 2A (including Schedule A1), or Chapter 6 of Part 2A so far as relating to Part 1 of Schedule A1 –
 - (a) references to an employer are to be read as if they were references to –
 - (i) a hirer, or
 - (ii) a work-finding agency, and
 - (b) references to an employee are to be read as if they were references to an agency worker,
 within the meaning of Chapter 5 of Part 2A (including Schedule A1).

- (13) In the application of this section and section 207 in relation to section 47H—
 - (a) references to an employer are to be read as if they were references to an employer within the meaning of that section;
 - (b) references to an employee are to be read as if they were references to a worker within the meaning of that section.
- (14) In the application of this section and section 207 in relation to section 47I—
 - (a) references to an employer are to be read as if they were references to a relevant person within the meaning of that section;
 - (b) references to an employee are to be read as if they were references to an agency worker within the meaning of Part 2A.””

Member's explanatory statement

This amendment amends section 206 of the Employment Rights Act 1996 so that that section, and section 207, apply with appropriate glosses in relation to proposed Chapters 2 to 6 of Part 2A, and proposed sections 47H and 47I, of that Act.

BARONESS JONES OF WHITCHURCH

61 Schedule 2, page 188, line 21, at end insert—

“Bankruptcy (Scotland) Act 2016

- 19 In the Bankruptcy (Scotland) Act 2016, in Schedule 3 (preferred debts), in paragraph 10(2)—
 - (a) before paragraph (a) insert—
 - “(za) a payment under section 27BP(1) of, or paragraph 21(1) of Schedule A1 to, the Employment Rights Act 1996 (payment for a cancelled, moved or curtailed shift),”;
 - (b) in paragraph (a), for “the Employment Rights Act 1996” substitute “that Act”.”

Member's explanatory statement

This amendment will make payments under proposed section 27BP(1) of, and paragraph 21(1) of Schedule A1 to, the Employment Rights Act 1996 (payments for cancelled, moved or curtailed shifts) preferred debts for the purposes of the Bankruptcy (Scotland) Act 2016.

After Clause 8

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

62 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

63 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.

Clause 9

BARONESS PENN

64★ Clause 9, page 35, line 35, at end insert —

"(1A) In section 80F, for subsection (8)(a)(i) substitute —

"(i) has received a job offer, and"."

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

65 Clause 9, page 36, line 9, at end insert —

"(1AZA) But where the employer is —

- (a) the Security Service,
- (b) the Secret Intelligence Service, or
- (c) the Government Communication Headquarters,

subsection (2)(b) does not apply, and the notification under subsection (1)(aa) need not explain why the employer considers that it is reasonable to refuse the application on the ground or those grounds.”

Member's explanatory statement

This amendment would exclude the security services from the Bill's provisions on flexible working.

LORD WATSON OF INVERGOWRIE

66★ Clause 9, page 36, line 36, at end insert –

- “(8) The Secretary of State must, within six months beginning with the day on which this Act is passed, review and publish a statement on the adequacy of the permitted maximum amount of an award of compensation for the purposes of section 80I of the Employment Rights Act 1996 (remedies).
- (9) A review under subsection (8) must have regard to section 80G(1)(b) of the Employment Rights Act 1996 (grounds for refusal).
- (10) The Secretary of State must lay a copy of the statement published under subsection (8) before Parliament.”

Member's explanatory statement

This amendment seeks to require the Secretary of State to review and publish a statement on the adequacy of the maximum compensation which an employment tribunal may award where it finds a complaint presented by an employee in relation to an application for flexible working to be well-founded.

After Clause 9

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

67 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.

Clause 10

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 68 Clause 10, page 37, line 9, leave out paragraph (b) and insert –
“(b) in subsection (2), for “four” substitute “two”.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 69 Clause 10, page 37, line 11, at end insert –
“(c) after subsection (2), insert –
“(2A) If the contract of service in question is for temporary work undertaken via an employment agency, “period of incapacity for work” for workers with less than 12 weeks’ continual service in a work arrangement means any period of four or more consecutive days, each of which is a day of incapacity for work in relation to the contract of service in question.

(2B) If the contract of service in question is a permanent contract or a fixed-term contract for a period of one year or more, “period of incapacity for work” for workers within and up to the first six-months of this arrangement means any period of four or more consecutive days, each of which is a day of incapacity for work in relation to the contract of service in question.””

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 70 Clause 10, page 37, line 14, leave out subsection (6) and insert –
“(6) Subsection (1) of section 155 (Limitations on entitlement) does not apply unless the employee is employed by one or more employment businesses, where

“employment business” has the same meaning as in section 13(3) of the Employment Agencies Act 1973.”

Member's explanatory statement

This amendment limits the application of subsection (1) of section 155 of the Social Security Contributions and Benefits Act 1992 to cases where the employee is employed by one or more employment businesses, as defined by section 13(3) of the Employment Agencies Act 1973. It means that the general limitation on entitlement to statutory sick pay under subsection (1) will only apply in the context of agency work or similar arrangements involving employment businesses.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

71 Clause 10, page 37, line 14, at end insert –

“(6A) In section 155 (Limitations on entitlement), after subsection (2) insert –

“(2A) An employee with more than one employer during any one period of entitlement shall not be permitted to claim statutory sick pay that would exceed their maximum entitlement if they had only one employer during that period.””

Member's explanatory statement

This amendment adds a new subsection to section 155 of the Social Security Contributions and Benefits Act 1992. It ensures that an employee who works for multiple employers cannot receive more statutory sick pay (SSP) in total than they would be entitled to if they were employed by only one employer during the same period. The provision prevents duplication of SSP entitlements across multiple jobs during a single period of sickness.

Clause 11

BARONESS LISTER OF BURTERSETT
BARONESS O'GRADY OF UPPER HOLLOWAY
BARONESS SMITH OF LLANFAES

72 Clause 11, page 37, line 27, at end insert –

- “(4) The Secretary of State must review the weekly rate of statutory sick pay set out in section 157.
- (5) Following the review under subsection (4), the Secretary of State must determine whether the rate should be changed and must publish a written statement setting out their determination and the reasons for it.
- (6) The review and determination required by this section must be completed, and the statement must be published and laid before Parliament, by 30 September 2025, or when this Act comes into force, whichever is later.
- (7) The Secretary of State must ensure that no employee receives less statutory sick pay than they would have received under the system in force immediately before this Act comes into force, solely as a result of the changes made by this section.”

Member's explanatory statement

This amendment would require the Secretary of State to review the rate of Statutory Sick Pay ahead of the Government's Autumn Budget 2025.

After Clause 11

BARONESS COFFEY

73★ After Clause 11, insert the following new Clause—

“Statutory sick pay rebate scheme covering first four days: SMEs

- (1) The Secretary of State must establish a scheme for the reimbursement of certain statutory sick pay costs incurred by enterprises with fewer than 250 employees.
- (2) The costs to be reimbursed under the scheme are the statutory sick pay payments made in relation to the first four days of incapacity for work in a period of entitlement to statutory sick pay.”

LORD FOX

74★ After Clause 11, insert the following new Clause—

“Statutory sick pay rebate scheme: SMEs

- (1) The Secretary of State must by regulations made by statutory instrument establish a scheme for the reimbursement of statutory sick pay costs incurred by companies which employ fewer than 250 staff.
- (2) 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.
- (3) The first regulations under this section must be laid within 60 days of the passage of this Act.”

Member's explanatory statement

This amendment requires the Secretary of State to establish a rebate scheme for small and medium sized enterprises for the costs incurred by statutory sick pay.

After Clause 13

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

75 After Clause 13, insert the following new Clause –

“Reviews of statutory sick pay reforms on small and medium enterprises

- (1) The Secretary of State must appoint an independent person to carry out reviews of the economic effect of statutory sick pay reforms on small and medium enterprises.
- (2) After each review, the independent person must –
 - (a) prepare a report of the review, and
 - (b) submit the report to the Secretary of State.
- (3) On receiving a report, the Secretary of State must –
 - (a) send a copy of the report to the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland, and
 - (b) no less than 14 days after complying with paragraph (a) –
 - (i) publish the report, and
 - (ii) lay a copy of the report before Parliament.
- (5) The first report must be submitted to the Secretary of State within the period of 2 years beginning with the day on which this Act comes into force.
- (6) In this section, references to an “independent person” are to a person who appears to the Secretary of State to be independent of the Secretary of State.”

After Clause 17

BARONESS LISTER OF BURTERSETT
LORD RUSSELL OF LIVERPOOL
BARONESS PENN

76 After Clause 17, 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 PALMER OF CHILDS HILL

77

After Clause 17, insert the following new Clause —

“Foster carer’s leave

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) In the title of Part 8B, for “CARER’S LEAVE” substitute “CARER’S LEAVE AND FOSTER CARER’S LEAVE”.
- (3) After section 80J (Carer’s leave) insert —

“80JA Foster carer’s leave

- (1) The Secretary of State must make regulations entitling an employee to be absent from work on leave under this section in order to undertake activities as a result of being a local authority foster parent.
- (2) For the purposes of subsection (1), “local authority foster parent” is defined in accordance with section 105 of The Children’s Act 1989.
- (3) The regulations must include provision for determining —
 - (a) the extent of an employee’s entitlement to leave under this section;
 - (b) when leave under this section may be taken.
- (4) Provision under subsection (3)(a) must secure that where an employee is entitled to leave under this section the employee is entitled to at least a week’s leave during any period of 12 months.
- (5) The regulations may make provision about how leave under this section is to be taken (including by providing for it to be taken non-continuously).

- (6) The regulations may provide that particular activities are, or are not, to be treated as providing or arranging care for the purposes of this Part.”
- (4) In section 80K –
 - (a) in subsection (1), after “80J” insert “and 80JA”,
 - (b) in subsection (2), after “80J” in both places it occurs insert “and 80JA”,
 - (c) in subsection (4), after “80J” insert “and 80JA”, and
 - (d) in subsection (5), after “80J” insert “and 80JA”.
- (5) In subsection (1) of section 80L, after “80J” insert “and 80JA”.
- (6) In section 80M –
 - (a) In subsection (1) –
 - (i) in the opening words, after “80J” insert “80JA”,
 - (ii) in paragraph (e), after “80J” insert “and 80JA”,
 - (iii) in paragraph (f), after “80J” insert “and 80JA”,
 - (iv) in paragraph (g), after “80J” insert “and 80JA”,
 - (v) in paragraph (h), after “80J” insert “and 80JA”,
 - (b) In subsection (2), after “80J” insert “and 80JA”, and
 - (c) In subsection (3), after “80J(4)” insert “and 80JA(4)”.

Member's explanatory statement

This new clause ensures local authority foster parents are entitled to at least one extra week's leave every 12 months.

LORD PALMER OF CHILDS HILL
THE LORD BISHOP OF NEWCASTLE

78 After Clause 17, insert the following new Clause –

“Kinship care leave

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) After section 80EI insert –

“CHAPTER 5A

KINSHIP CARE LEAVE

80EJ Kinship care leave

- (1) The Secretary of State must make regulations entitling an employee to be absent from work on leave under this section if the employee satisfies conditions specified in the regulations as to an eligible kinship care arrangement with a child.
- (2) The regulations must include provision for determining –
 - (a) the extent of an employee's entitlement to leave under this section in respect of a child;

- (b) when leave under this section may be taken.
- (3) Provision under subsection (2)(a) must secure that—
 - (a) where only one employee is entitled to leave under this section in respect of a given child, the employee is entitled to at least 52 weeks' leave;
 - (b) where more than one employee is entitled to leave under this section in respect of the same child, those employees are entitled to share at least 52 weeks' leave between them.
- (4) An employee is entitled to leave under this section only if the eligible kinship care arrangement is intended to last—
 - (a) at least one year, and
 - (b) until the child being cared for attains the age of 18.
- (5) For the purposes of this Chapter, “eligible kinship care arrangement” means—
 - (a) special guardianship,
 - (b) a kinship child arrangement,
 - (c) a private fostering arrangement, or
 - (d) a private family arrangement,
 within the meaning given by section (*Meaning of “kinship care”*) of the Employment Rights Act 2025.
- (6) The regulations may make provision about how leave under this section is to be taken.
- (7) In this section—
 - (a) “special guardianship”, “kinship child arrangement”, “private fostering arrangement” and “private family arrangement” have the same meanings as in section (*Meaning of “kinship care”*) of the Employment Rights Act 2025.
 - (b) “week” means any period of seven days.

80EK Rights during and after kinship care leave

- (1) Regulations under section 80EJ must provide—
 - (a) that an employee who is absent on leave under that section is entitled, for such purposes and to such extent as the regulations may prescribe, to the benefit of the terms and conditions of employment which would have applied but for the absence,
 - (b) that an employee who is absent on leave under that section is bound, for such purposes and to such extent as the regulations may prescribe, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1) of that section), and
 - (c) that an employee who is absent on leave under that section is entitled to return from leave to a job of a kind prescribed by regulations, subject to section 80EL.

- (2) The reference in subsection (1)(c) to absence on leave under section 80EJ includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under that section and partly to any one or more of the following –
 - (a) maternity leave,
 - (b) paternity leave,
 - (c) adoption leave,
 - (d) shared parental leave,
 - (e) parental leave,
 - (f) parental bereavement leave.
- (3) In subsection (1)(a), “terms and conditions of employment” –
 - (a) includes matters connected with an employee’s employment whether or not they arise under the contract of employment, but
 - (b) does not include terms and conditions about remuneration.
- (4) Regulations under section 80EJ may specify matters which are, or are not, to be treated as remuneration for the purposes of this section.
- (5) Regulations under section 80EJ may make provision, in relation to the right to return mentioned in subsection (1)(c), about –
 - (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.

80EL Special cases

- (1) Regulations under section 80EJ may make provision about –
 - (a) redundancy during or after a period of leave under that section, or
 - (b) dismissal (other than by reason of redundancy) during a period of leave under that section.
- (2) Provision by virtue of subsection (1) may include –
 - (a) provision requiring an employer to offer alternative employment;
 - (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part 10).

80EM Chapter 5A: supplemental

- (1) Regulations under section 80EJ may –
 - (a) make provision about notices to be given, evidence to be produced and other procedures to be followed by employees and employers;
 - (b) make provision requiring employers or employees to keep records;
 - (c) make provision for the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;

- (d) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);
 - (e) make special provision for cases where an employee has a right which corresponds to a right under section 80EJ and which arises under the person's contract of employment or otherwise;
 - (f) make provision modifying the effect of Chapter 2 of Part 14 (calculation of a week's pay) in relation to an employee who is or has been absent from work on leave under section 80EJ;
 - (g) make provision applying, modifying or excluding an enactment, in such circumstances as may be specified and subject to any conditions which may be specified, in relation to a person entitled to take leave under section 80EJ;
 - (h) make different provision for different cases or circumstances;
 - (i) make consequential provision.
- (2) The cases or circumstances mentioned in subsection (1)(h) include –
- (a) more than one child being subject to the same eligible kinship care arrangement, and
 - (b) a child being subject to an eligible kinship care arrangement on two or more separate occasions,
- and regulations may, in particular, make special provision regarding the applicability and extent of the entitlement to leave in such circumstances.
- (3) The Secretary of State may by regulations make provision for some or all of a period of kinship care leave to be paid.”

Member's explanatory statement

This amendment inserts provision which sets out an entitlement to kinship care leave.

LORD PALMER OF CHILDS HILL
THE LORD BISHOP OF NEWCASTLE

79

After Clause 17, insert the following new Clause –

“Meaning of kinship care

- (1) This section defines “kinship care” for the purposes of sections 80EF to 80EI of the Employment Rights Act 1996 (inserted by section (Kinship care leave) of this Act).
- (2) Kinship care describes an arrangement where a child is raised by a friend, relative or extended family member other than a parent.
- (3) Subsections (3) to (8) set out the arrangements that are recognised as being types of kinship care.
- (4) An arrangement where a child is adopted (within the meaning of Chapter 4 of the Adoption and Children Act 2002) by a friend, relative or extended family member (“kinship adoption”).
- (5) An arrangement where –

- (a) a child is looked after by a local authority (within the meaning of section 22 of the Children Act 1989), and
 - (b) a friend, relative or extended family member of that child is approved by the local authority to be a foster carer for that child (“kinship foster care”).
- (6) An arrangement created by a special guardianship order pursuant to section 14A of the Children Act 1989 (“special guardianship”).
- (7) An arrangement created by a child arrangements order pursuant to section 8 of the Children Act 1989 where the court orders that a child is to live predominantly with a friend, relative or extended family member of that child (“kinship child arrangement”).
- (8) An arrangement where a child is fostered privately (within the meaning of section 66 of the Children Act 1989) by a friend or extended family member (“private fostering arrangement”).
- (9) Any other arrangement where a child is cared for, and provided with accommodation in their own home –
 - (a) by a relative of the child, other than –
 - (i) a parent of the child, or
 - (ii) a person who is not a parent of the child but who has parental responsibility for the child, and
 - (b) where the arrangement has lasted, or is intended to last, for at least 28 days (“private family arrangement”).

Member's explanatory statement

This new clause is linked to the new clause about kinship care leave.

LORD PALMER OF CHILDS HILL

80

After Clause 17, insert the following new Clause –

“Entitlement to paternity leave

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 80A (entitlement to paternity leave: birth) –
 - (a) in subsection (3), for “two” substitute “six”,
 - (b) in subsection (4), for “56 days” substitute “52 weeks”.
- (3) In section 80B (entitlement to paternity leave: adoption) –
 - (a) in subsection (3), for “two” substitute “six”,
 - (b) in subsection (4), for “56 days” substitute “52 weeks”.

Member's explanatory statement

This new clause sets out an entitlement to paternity leave.

Clause 18

LORD BRENNAN OF CANTON

81 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.

After Clause 18

LORD HOGAN-HOWE

LORD PADDICK

82 After Clause 18, insert the following new Clause –

“Special constables: right to time off for public duties

(1) The Employment Rights Act 1996 is amended as follows.

(2) In section 50 (Right to time off for public duties), after subsection (1) insert –

“(1A) An employer shall permit an employee who is a special constable, appointed in accordance with section 27 of the Police Act 1996, section 9 of the Police and Fire Reform (Scotland) Act 2012 or section 25 of the Railways and Transport Safety Act 2003, to take time off during the employee’s working hours for the purpose of performing their duties.

(1B) In section (1A), “duties” means any activity under the direction of a chief officer of police.””

Member's explanatory statement

This new clause gives employees who are special constables the right to time off to carry out their police duties.

Clause 20

LORD YOUNG OF ACTON
BARONESS FOX OF BUCKLEY

83 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
LORD MACDONALD OF RIVER GLAVEN

84 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

85 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

86 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

87 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 DEECH

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

- “(1D) Subsection (1A) does not apply to indirect harassment.
- (1E) For the purposes of this section, “indirect harassment” is non-sexual harassment by a third party which is not directed at B.”

Member's explanatory statement

This amendment means employers only have to protect their employees from non-sexual third-party harassment if it is directed at the employee, meaning employers would not have to take all reasonable steps to protect their employees from overheard conversations, remarks or jokes.

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

89 Clause 21, page 42, line 28, leave out “sexual”

BARONESS NOAKES

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

BARONESS NOAKES

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

BARONESS NOAKES

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

BARONESS NOAKES

93 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

94 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

95 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

96 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

97 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

98

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
LORD RUSSELL OF LIVERPOOL
BARONESS BENNETT OF MANOR CASTLE

99

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
LORD RUSSELL OF LIVERPOOL
BARONESS BENNETT OF MANOR CASTLE

100 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 SHAWS
BARONESS KRAMER

101 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.”

Clause 23

BARONESS WOLF OF DULWICH
LORD ABERDARE
LORD KNIGHT OF WEYMOUTH

102 Clause 23, page 43, line 30, at end insert—

- “(2) The provisions of Schedule 3 do not apply to apprentices during any probationary period of up to six months, as specified in an apprenticeship contract signed by the apprentice and the employer and where the apprentice is less than 21 years of age at the time the contract is signed.”

LORD VAUX OF HARROWDEN

Lord Vaux of Harrowden gives notice of his intention to oppose the Question that Clause 23 stand part of the Bill.

After Clause 23

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

103 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

LORD VAUX OF HARROWDEN

104 Schedule 3, page 190, line 21, leave out “may” and insert “must”

BARONESS NEVILLE-ROLFE
BARONESS NOAKES
LORD VAUX OF HARROWDEN

105 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
LORD VAUX OF HARROWDEN
BARONESS NOAKES

- 106 Schedule 3, page 190, line 23, at end insert “, such that an employee cannot be found to have been unfairly dismissed if they meet those conditions.”

BARONESS NEVILLE-ROLFE
BARONESS NOAKES
LORD VAUX OF HARROWDEN

- 107 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.

LORD VAUX OF HARROWDEN

- 108 Schedule 3, page 191, line 3, at end insert “which is no less than nine months”

Member's explanatory statement

This amendment would require that any probationary period proposed by the Secretary of State must be at least 9 months.

BARONESS NEVILLE-ROLFE
BARONESS NOAKES
LORD VAUX OF HARROWDEN

- 109 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

- 110 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

- 111** 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

- 112** 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.

LORD VAUX OF HARROWDEN

Lord Vaux of Harrowden gives notice of his intention to oppose the Question that Schedule 3 be the Third Schedule to the Bill.

After Clause 25

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD LONDESBOROUGH

- 113** 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 SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 114** Clause 26, page 45, line 36, leave out “were likely in the immediate future” and insert, “could reasonably be expected”

Member's explanatory statement

This amendment allows employers to make contract variations in response to anticipated financial difficulties, not just when those difficulties have already occurred.

LORD DE CLIFFORD

- 115★** Clause 26, page 45, line 39, leave out “and” and insert –
- “(b) the reason for the variation was to make a reasonable adjustment to the employee’s working patterns, and”

Member's explanatory statement

This amendment seeks to ensure that, should an employee be dismissed for not accepting a reasonable adjustment in their working patterns, their employer cannot be found to have dismissed them unfairly.

LORD FOX

- 116** 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

- 117** 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 SHARPE OF EPSOM
LORD HUNT OF WIRRAL

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

“(4A) Subsection (1) does not apply in relation to an employee if the employer shows that the variation is required to address technical or organisational reasons.”

Member's explanatory statement

This amendment allows employers to justify dismissals for contract variations based on technical or organisational reasons.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

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

“(4A) In determining whether a dismissal is unfair under subsection (1), the employer’s reasons for imposing a variation to the employee’s contract of employment must be considered in the context of whether –

- (a) the variation is agreed by the majority of the workforce, and
- (b) the variation is reasonable given the employer’s business needs, including any operational changes or legal obligations, and the benefits to the majority of employees.”

Member's explanatory statement

This amendment adds a reasonableness test with the intention of ensuring that employers can implement contract changes supported by the majority of staff, where the changes are proportionate to business needs.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

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

“(4A) Subsection (1) does not apply where –

- (a) the employee had previously been engaged on a seasonal, temporary, or intermittent basis,
- (b) the employer offered re-engagement under a varied contract reflecting a legitimate business need for fewer or more flexible hours, and
- (c) the terms offered were reasonable in all the circumstances.”

Member's explanatory statement

This amendment protects employers who seek to re-engage seasonal or variable-hour workers on revised terms that reflect actual business demand.

LORD FOX

121 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

122 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

123 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
LORD VAUX OF HARROWDEN

124 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 WILLS
BARONESS JONES OF MOULSECOOMB
BARONESS KRAMER

125 After Clause 26, 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 KRAMER
BARONESS JONES OF MOULSECOOMB

126 After Clause 26, 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) is applying for a vacant role as an external applicant,
- (ch) has acquired information during a recruitment process,””

BARONESS PENN
BARONESS JONES OF MOULSECOOMB
LORD RUSSELL OF LIVERPOOL

127 After Clause 26, 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
LORD RUSSELL OF LIVERPOOL

128 After Clause 26, 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.

LORD HOLMES OF RICHMOND

129 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

130

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.

LORD HOLMES OF RICHMOND

131 After Clause 26, insert the following new Clause —

“Right of refusal 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, 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.”

LORD PITKEATHLEY OF CAMDEN TOWN

132 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 they are a member of the Chartered Institute of Personnel and Development or other Professional Body and have 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 they are a member of the Chartered Institute of Personnel and Development or other Professional Body and have 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 they are a member of the Chartered Institute of Personnel and Development or other Professional Body and have 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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

133 After Clause 26, insert the following new Clause –

“Impact on farm businesses

Within 12 months of the day on which this Act is passed, the Secretary of State must publish an assessment of the impact of the provisions of Part 1 of this Act on farm businesses in the United Kingdom.”

BARONESS GREY-THOMPSON
BARONESS FINLAY OF LLANDAFF

134 After Clause 26, insert the following new Clause –

“Serious childhood illness pay and leave

The Secretary of State must, by regulations made by statutory instrument subject to the affirmative resolution procedure, amend section 171ZZ16 (entitlement) of the Social Security Contributions and Benefits Act 1992 and section 80EF (neonatal care leave) of the Employment Rights Act 1996 so that the provisions in those sections extend to parents caring for a child up to the age of 16.”

Member's explanatory statement

This amendment introduces a right for parents to be absent from work for a prescribed period, and to be paid during that period at a prescribed rate, to care for a child between the ages of 29 days and 16 years who is receiving, or has received, specified types of medical or palliative care.

LORD PALMER OF CHILDS HILL
BARONESS LISTER OF BURTERSETT
LORD YOUNG OF COOKHAM

135 After Clause 26, insert the following new Clause –

“Carer's leave: remuneration

In section 80K of the Employment Rights Act 1996, omit subsection (3) and insert –

“(3) In subsection (1)(a), “terms and conditions of employment” –

- (a) includes matters connected with an employee's employment whether or not they arise under the contract of employment, and
- (b) includes terms and conditions about remuneration.””

Member's explanatory statement

This new clause would make Carer's Leave a paid entitlement.

LORD PALMER OF CHILDS HILL

136 After Clause 26, insert the following new Clause —

“Adoption pay: self-employed persons

- (1) Within six months of the day on which this Act is passed, the Secretary of State must by regulations enable statutory adoption pay to be payable to persons who are —
 - (a) self-employed, or
 - (b) contractors.
- (2) For the purposes of subsection (1), the meaning of “self-employed” and “contractors” must be set out in regulations under this section.
- (3) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This new clause extends statutory adoption pay to the self-employed and contractors.

LORD PALMER OF CHILDS HILL

137 After Clause 26 , insert the following new Clause —

“Right to be accompanied

- (1) Section 10 of the Employment Relations Act 1999 (right to be accompanied) is amended as follows.
- (2) In subsection (3), after paragraph (b) insert —
 - “(ba) a person who has been reasonably certified in writing by a Professional Body as having experience of, or as having received training in, acting as a worker’s companion at disciplinary or grievance hearings, or”
- (3) After subsection (7) insert —
 - “(8) In this section, “Professional Body” means any organisation, which is authorised by a regulation made by the Secretary of State under subsection (9).
 - (9) The Secretary of State may make a regulation or regulations authorising any organisation as a Professional Body for the purposes of this section.””

Member's explanatory statement

This new clause would expand the right to be accompanied by a certified companion at disciplinary and grievance hearings.

LORD PALMER OF CHILDS HILL
BARONESS SMITH OF LLANFAES

138 After Clause 26, insert the following new Clause —

“Rates of statutory maternity pay, etc

- (1) In regulation 6 of the Statutory Maternity Pay (General) Regulations 1986 (S.I. 1986/1960) (prescribed rate of statutory maternity pay) for “£184.03” substitute “£368.06”.
- (2) In the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002 —
 - (a) in regulation 2(a) (weekly rate of payment of statutory paternity pay) for “£184.03” substitute “£368.06”, and
 - (b) in regulation 3(a) (weekly rate of payment of statutory adoption pay) for “£184.03” substitute “£368.06”.
- (3) In regulation 40(1)(a) of the Statutory Shared Parental Pay (General) Regulations 2014 (S.I. 2014/3051) (weekly rate of payment of statutory shared parental pay) for “£184.03” substitute “£368.06”.
- (4) In regulation 20(1)(a) of the Statutory Parental Bereavement Pay (General) Regulations 2020 (S.I. 2020/233) (weekly rate of payment) for “£184.03” substitute “£368.06”.

Member's explanatory statement

This new clause sets out rates of Statutory Maternity Pay, Statutory Paternity Pay, Statutory Adoption Pay, Statutory Shared Parental Pay and Statutory Parental Bereavement Pay.

BARONESS PENN
BARONESS LISTER OF BURTERSETT
BARONESS JONES OF MOULSECOOMB
BARONESS SMITH OF LLANFAES

139 After Clause 26, insert the following new Clause —

“Statutory paternity pay

In section 171ZA(2) of the Social Security Contributions and Benefits Act 1992, omit paragraphs (b) and (d).”

Member's explanatory statement

This amendment seeks to make statutory paternity pay a day one employment right.

LORD LUCAS

140★ After Clause 26, insert the following new Clause —

“Notice periods

When —

- (a) an employee's contract of employment contains a notice period of more than two weeks,
 - (b) the employee gives notice of their intention to leave, and
 - (c) their employer enforces any part of the notice period beyond two weeks,
- the employee may require the employer to pay them, for the enforced notice period beyond two weeks, at whichever is the higher of their current rate of remuneration and the remuneration offered to them under any new contract of employment that they have secured."

Member's explanatory statement

The purpose of this amendment is to incentivise shorter notice periods.

BARONESS BENNETT OF MANOR CASTLE

141★ After Clause 26, insert the following new Clause –

“Prohibition of unpaid trial shifts

- (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 working trial shifts.
 - (3B) In subsection (3A), a “trial shift” is any form of work which a person undertakes in view of potentially being offered a temporary or permanent position.”
- (3) After section 41 (power to apply Act to individuals who are not otherwise “workers”) insert –

“41A Application of this Act to persons undertaking trial shifts

- (1) The Secretary of State must, in exercising the powers under section 41, provide that this Act applies to persons undertaking trial shifts.
- (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 a trial shift is eligible to receive the national minimum wage for the period of that trial shift 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.);
 - “trial shift” means any form of work which a person undertakes in view of potentially being offered a temporary or permanent position.”

Member's explanatory statement

This amendment seeks to ensure that persons are paid for trial shifts they perform in view of potentially being offered a temporary or permanent position.

Clause 27

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

142 Clause 27, page 48, line 33, at end insert—

- “(1A) Before making regulations under this section that set a threshold based on a percentage of employees, the Secretary of State must—
- (a) consult such persons as the Secretary of State considers appropriate, including representatives of employers and employees, and
 - (b) have regard to the need to ensure that—
 - (i) any threshold set is proportionate and clearly defined,
 - (ii) the administrative and financial burden on employers is reasonable, and
 - (iii) the threshold does not result in employers being placed in a continual or near-continuous state of collective consultation.”

Member's explanatory statement

This amendment requires the Secretary of State, before making regulations that set a redundancy consultation threshold based on a percentage of employees, to consult relevant stakeholders and to ensure the threshold is proportionate, clearly defined, and does not place employers under excessive or ongoing consultation obligations.

Clause 28

LORD HENDY

143 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

LORD PALMER OF CHILDS HILL
BARONESS PITKEATHLEY
LORD YOUNG OF COOKHAM
BARONESS SMITH OF LLANFAES

144 Clause 31, page 57, line 28, at end insert —

- “(c) supporting employees who provide or arrange care for a dependent with a long-term care need as defined in the Carer’s Leave Act 2023.”

Member's explanatory statement

This amendment would require employers with over 250 employees to consider what support unpaid carers are given within their workforce when publishing action plans on gender equality.

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

145 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.

Clause 34

LORD HOLMES OF RICHMOND

146★ Clause 34, page 60, line 2, at end insert —

“(A1) After section 5(1)(ec) of the Employment Agencies Act 1973, insert —

“(ed) requiring employment businesses participating in employment arrangements to be subject to a licensing authority nominated by the Secretary of State.””

After Clause 34

LORD WILLS
BARONESS JONES OF MOULSECOOMB
BARONESS KRAMER
BARONESS MORGAN OF COTES

147 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 CLEMENT-JONES

148 After Clause 34, insert the following new Clause —

“Definition of AI System

- (1) For the purposes of this Act, “AI System” means an engineered or machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as content, predictions, forecasts, recommendations, or decisions influencing real or virtual environments.
- (2) AI systems may operate with varying degrees of autonomy and include use of algorithmic techniques such as natural language processing, large language models, multi-modal models, machine learning, speech or image recognition, neural networks, deep learning, or decision trees.”

Member’s explanatory statement

This amendment clarifies the definition of an AI System within the context of employment rights as an engineered system generating outputs from inputs using algorithmic techniques.

LORD CLEMENT-JONES

149 After Clause 34, insert the following new Clause —

“Workplace AI risk and impact assessments

- (1) Before implementing or developing an AI system which may have significant risks or impacts on employment rights and conditions in the workplace, an employer must conduct a workplace AI risk and impact assessment (a “WAIRIA”)
- (2) A WAIRIA must be conducted under this section if there is a potential significant risk or impact on —
 - (a) the identification or exercise of rights;
 - (b) work access or allocation;
 - (c) remuneration or benefits;
 - (d) contractual status, terms or conditions;
 - (e) mental, physical or psychosocial health.
- (3) A WAIRIA conducted under subsection (1) must —
 - (a) document the intended purpose and functionality of the AI system;
 - (b) establish a process for undertaking the monitoring of significant risks and impacts;
 - (c) document the definitions, metrics and methods selected for the WAIRIA;
 - (d) make provision for the consultation with the individuals, groups and authorised representatives who are likely to be affected in by an AI system;
 - (e) assess the significant risks and impacts likely to be produced because of the deployment or development;
 - (f) identify the mitigations, adjustments, training or other measures made in response to the WAIRIA.

- (4) Employers must review and update the WAIRIA –
 - (a) at least once every 12 months,
 - (b) whenever substantial changes are made to the AI system to which it relates, or
 - (c) when evidence emerges of unforeseen significant risks or impacts.
- (5) The Secretary of State must require any Fair Work Agency to issue guidance on the conduct disclosure and enforcement of WAIRIAs within 6 months of this section coming into force.”

Member's explanatory statement

This amendment introduces a requirement for employers to conduct Workplace AI Risk Assessments (WAIRIAs) to document and mitigate the potential risks and impacts of AI systems on employment rights and conditions before deployment, including consultation and regular review.

LORD CLEMENT-JONES

150

After Clause 34, insert the following new Clause –

“Consultation on AI Systems

- (1) An employer must consult with employees and, where present, trade union representatives at least one month before implementing an AI system which may have significant risks or impacts on employment rights and conditions in the workplace and falls within section (*Definition of AI system*).
- (2) The consultation must include consideration of –
 - (a) the intended purpose and functioning of the relevant AI system,
 - (b) any significant risks and impacts likely to be produced,
 - (c) the process for ongoing monitoring of significant risks and impacts in the workplace,
 - (d) the provision of information relevant to ongoing monitoring of significant risks and impacts in the workplace, and
 - (e) any training provided to employees, managers and staff who are affected or otherwise involved in deployment, operation or interpretation of the relevant AI system.”

Member's explanatory statement

This amendment places a duty on employers to consult with employees and unions at least one month before implementing AI systems that may have significant risks or impacts on employment rights and conditions in the workplace.

Schedule 4

BARONESS BARRAN

151★ Schedule 4, page 195, leave out from the beginning of line 3 to the end of line 18 and insert –

- “(1) In the case of staff employed under subsection (3)(b) of section 148C, matters within the SSNB’s remit are limited to the establishment of a framework to which employers of school support staff must have regard when discharging their functions.
- (2) A framework under subsection (1) must include information on –
 - (a) the remuneration of school support staff,
 - (b) the terms and conditions of employment of school support staff,
 - (c) the training of school support staff,
 - (d) career progression for school support staff, and
 - (e) related matters.
- (3) When taking any action related to the matters in subsection (2), an employer may disregard the framework only in exceptional circumstances.
- (4) For the purposes of subsection (3), the definition of “exceptional circumstances” shall be set out in regulations.
- (5) In the case of staff employed under subsection (3)(a) of section 148C, the matters within the SSNB’s remit are matters relating to the following –
 - (a) the remuneration of school support staff;
 - (b) terms and conditions of employment of school support staff;
 - (c) the training of school support staff;
 - (d) career progression for school support staff.
- (6) The Secretary of State may by regulations provide that, for the purposes of subsection (5) –
 - (a) a payment or entitlement of a prescribed kind is, or is not, to be treated as remuneration;
 - (b) a prescribed matter is, or is not, to be treated as relating to terms and conditions of employment of school support staff;
 - (c) a prescribed matter is, or is not, to be treated as relating to the training of school support staff;
 - (d) a prescribed matter is, or is not, to be treated as relating to career progression for school support staff.”

Member's explanatory statement

This amendment would change the matters within the SSNB’s remit in relation to academy staff, limiting it to the creation of a framework to which academy employers must have regard in all but exceptional circumstances.

LORD HENDY

- 152 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

- 153 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

BARONESS JONES OF MOULSECOOMB

- 154 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

- 155 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

156 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

157 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

158 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

159 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

160 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

- 161** 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 Secretary of State agrees that it should do so (or has instructed it to do so under s.148D).

LORD HENDY

- 162** 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

- 163** 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

BARONESS JONES OF MOULSECOOMB

- 164** 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

- 165 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

- 166 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

- 167 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

- 168 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

- 169 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

- 170 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

- 171 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

- 172 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

- 173 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 BARRAN

- 174★ Schedule 4, page 204, line 22, at end insert –

“(2A) Before making or revising arrangements under sub-paragraph (1), the Secretary of State must publish and lay before Parliament an impact assessment of the costs on the education sector of any proposed arrangements.”

Member's explanatory statement

This amendment makes a requirement from the Secretary of State to undertake an impact assessment of the costs on the education sector before making or changing arrangements related to the School Support Staff Negotiating Body.

BARONESS COFFEY

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

LORD HENDY

176 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

177 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

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

- “(2A) The number of such members under sub-paragraph (2) shall must 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

179 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.

BARONESS BARRAN

180★ Schedule 4, page 205, line 30, at end insert—

“(1A) The report must include an assessment of the increased costs to the education sector of any pay and conditions agreements made in that reporting year.”

Member's explanatory statement

This amendment requires the annual reports of the School Support Staff Negotiating Body to include the cost of pay and conditions agreements.

Clause 37

LORD HENDY

181 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

182 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

183 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

- 184 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

- 185 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

- 186 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

- 187 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

- 188 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

- 189 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

190 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

191 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

192 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

193 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

- 194 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

- 195 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

- 196 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

- 197 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

- 198 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

- 199 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.

After Clause 48

LORD WILLS

- 200 After Clause 48, 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.

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 Secretary of State 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 54LORD FAULKNER OF WORCESTER
LORD PARKINSON OF WHITLEY BAY

201 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
LORD CASHMAN

202 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
BARONESS JONES OF MOULSECOOMB

203 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.

LORD FREYBERG
THE EARL OF CLANCARTY

204★ After Clause 54, insert the following new Clause –

**“Charging work-seekers for inclusion of information about them in a publication:
review of principle and repeal**

On the day on which this Act is passed, the Secretary of State must commission a review of –

- (a) the impact of previously charging certain work-seekers for inclusion of information about them in a publication under Regulation 26 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (S.I. 3319/2003), and
- (b) the predicted impact of section (*Repeal of the rights of employment agencies to charge work-seekers for inclusion of information about them in a publication*), removing these charges for certain workers.”

Clause 55

BARONESS NOAKES
LORD LONDESBOROUGH

205 Clause 55, page 73, line 11, leave out “A worker’s” and insert “If a worker’s employer has more than 50 employees, the”

Member's explanatory statement

This amendment ensures that the statement of trade union rights applies only to larger employers.

LORD JACKSON OF PETERBOROUGH

206 Clause 55, page 73, line 11, leave out “must” and insert “may”

BARONESS NOAKES
LORD LONDESBOROUGH
LORD VAUX OF HARROWDEN

207 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

208 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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

The above-named Lords give notice of their intention to oppose the Question that Clause 55 stand part of the Bill.

Clause 56

BARONESS NOAKES
LORD LONDESBOROUGH

209 Clause 56, page 75, line 4, at end insert —

“(3A) “Employer” means an employer of more than 50 employees.”

Member's explanatory statement

This amendment ensures that Chapter 5ZA (Rights of trade unions to access workplaces) will apply only to larger employers.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

210 Clause 56, page 75, line 7, at end insert —

“(4A) “Access” does not include the use of an employer’s digital property, infrastructure or online systems.”

LORD JACKSON OF PETERBOROUGH
LORD VAUX OF HARROWDEN

211 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

- 212** 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

- 213** 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

- 214** 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

- 215** 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

- 216** 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 be the Sixth Schedule to the Bill.

Member's explanatory statement

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

Clause 59

LORD BURNS

- 217** Clause 59, page 86, line 24, leave out subsection (2)

Member's explanatory statement

Clause 59 would undo the cross-party agreement reached during the passage of the Trade Union Act 2016, which was based on the conclusions of the Trade Union Political Funds and Political Party Funding Committee. This amendment would maintain the overall principle that people joining a union should pay into its political fund only if they have actively opted to do so.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

218 Clause 59, page 86, line 25, at end insert –

“(b) in subsection (1), after paragraph (d) insert –

- “(e) that trade union members who have not opted out of the political fund must signal, in writing, their agreement to continue contributing to the fund at the end of a period of 12 months after last opting into the fund, and
- (f) that trade union members must be given an annual notice about their right to opt out of the political fund which includes a form that enables the member to opt out of the fund.””

Member's explanatory statement

This amendment would require trade unions to notify their members every year of their right to opt out of the political fund, and to obtain an annual opt-in to the political fund from their members.

LORD JACKSON OF PETERBOROUGH

219 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

220 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

221 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

222 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

223 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

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

LORD JACKSON OF PETERBOROUGH

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

LORD JACKSON OF PETERBOROUGH

226 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

227 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

228★ Clause 61, page 89, line 38, after “proposed” insert “for the employee”

LORD JACKSON OF PETERBOROUGH

229 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

230 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

231 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

232 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.

LORD JACKSON OF PETERBOROUGH

- 233★ Clause 61, page 90, line 18, after “proposed” insert “for the employee”

Clause 62

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 234★ Clause 62, page 91, line 17, at end insert —
- “(c) in relation to a public sector employer, the performance condition is met.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 235★ Clause 62, page 91, line 29, at end insert —
- “(4A) The performance condition is met if the Secretary of State is satisfied that the public sector employer is meeting any performance standards set out in a relevant enactment.”

Member's explanatory statement

This amendment prevents facility time for equality representatives being provided unless the relevant public sector organisation is meeting its statutory targets for performance.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 236★ Clause 62, page 93, line 5, at end insert —
- “(e) “relevant enactment” means an enactment that contains a statutory performance target for a public sector organisation.”

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

237 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
BARONESS JONES OF MOULSECOOMB

238 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
BARONESS JONES OF MOULSECOOMB

239 After Clause 64, insert the following new Clause —

“Right to take industrial action (No. 2)

- (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
BARONESS JONES OF MOULSECOOMB

240 After Clause 64, insert the following new Clause —

“Right to take industrial action (No. 3)

- (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
BARONESS JONES OF MOULSECOOMB

241 After Clause 64, insert the following new Clause —

“Right to take industrial action (No. 4)

- (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
BARONESS JONES OF MOULSECOOMB

242 After Clause 64, insert the following new Clause —

“Right to take industrial action (No. 5)

- (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
BARONESS JONES OF MOULSECOOMB

243 After Clause 64, insert the following new Clause —

“Right to take industrial action (No. 6)

- (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

244 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

245 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 66

LORD MOYNIHAN OF CHELSEA

Lord Moynihan of Chelsea gives notice of his intention to oppose the Question that Clause 66 stand part of the Bill.

Clause 69

LORD GODDARD OF STOCKPORT

246 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 MOYNIHAN OF CHELSEA

The above-named Lords gives notice of their 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

247 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

248 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
BARONESS JONES OF MOULSECOOMB

249 After Clause 70, insert the following new Clause –

“Right to take industrial action (No. 7)

- (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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

250 After Clause 70, insert the following new Clause –

“Industrial action: impact assessments and family tests

After section 234 of the Trade Union and Labour Relations (Consolidation) Act 1992, insert –

“Industrial Action: impact assessments and family tests

234ZA Impact assessments and family tests

- (1) No ballot for industrial action may take place unless the trade union has taken the following steps –
 - (a) published a report containing an economic impact assessment of the industrial action,
 - (b) published a report containing a family test on the impact of the industrial action, and
 - (c) informed members of the trade union of the publication of reports required under paragraphs (a) and (b).
- (2) For the purposes of this section, a “family test” is defined as an assessment of the impact of industrial action on family relationships.””

Member's explanatory statement

This new clause would require trade unions to carry out an impact assessment and a family test, for the reports of these to have published, and trade union members informed of their publication, before a ballot for industrial action can take place.

Clause 71

LORD HENDY

251 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

252 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

253 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.

Clause 75

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

254 Clause 75, page 101, line 41, at end insert —

- “(4) The Secretary of State must conduct a review to assess the impact on emergency services arising from the repeal of the Strikes (Minimum Service Levels) Act 2023.”

After Clause 75

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

255 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

256 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

257 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 FOX

258

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

BARONESS BENNETT OF MANOR CASTLE

259

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
BARONESS JONES OF MOULSECOOMB

260 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.

LORD WOODLEY

261 After Clause 86, insert the following new Clause —

“Inducement of prison officers: exempted persons

After section 127 of the Criminal Justice and Public Order Act 1994 (inducements to withhold services or to indiscipline), insert —

“Section 127ZA: Prison officers and trade unions: exempted persons

Section 127 (inducements to withhold services or to indiscipline) does not apply to —

- (a) any listed trade union representing prison officers, or
- (b) any person acting on behalf of a listed trade union representing prison officers.””

Member's explanatory statement

This new clause would repeal, with respect to trade unions representing prison officers, provisions that prohibit the inducement of industrial action or indiscipline by a prison officer.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

262 After Clause 86, insert the following new Clause –

“Impact on industrial action

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, publish an independent assessment of the impact of this Act on the number of working days lost to strike action.
- (2) The assessment must include data comparing the number of working days lost to strike action in the 12 months following the passing of this Act with the 12 months prior.
- (3) The Secretary of State must lay a copy of the assessment before Parliament.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

263 After Clause 86, insert the following new Clause –

“Consultation on trade union legislation

- (1) The Secretary of State must initiate a consultation on the effects of the provisions in Part 4 of this Act on the operation of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (2) The Secretary of State must lay before each House of Parliament, no sooner than eighteen weeks after the initiation referred to in subsection (1), a report on –
 - (a) the outcome of that consultation, and
 - (b) the Government’s proposals for changes to the legislation referred to in subsection (1).”

Member’s explanatory statement

This new clause requires the Secretary of State to undertake a consultation on the operation of trade union legislation.

Schedule 7

LORD DAVIES OF BRIXTON

264 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 DAVIES OF BRIXTON

265 Schedule 7, page 262, line 32, at end insert—

“Pensions Act 2008

27A Part 1 of the Pensions Act 2008 (Pension scheme membership for jobholders).”

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

266 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.

LORD HUNT OF WIRRAL

267★ Schedule 7, page 264, line 33, leave out “affirmative resolution procedure” and insert “super-affirmative resolution procedure, as defined by section 18 of the Legislative and Regulatory Reform Act 2006”

Clause 90

LORD HOLMES OF RICHMOND

268 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

269 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 91

BARONESS NOAKES
LORD LONDESBOROUGH

270 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

271 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

- 272 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

- 273 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

274 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

275 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

276 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.

LORD FOX

277 After Clause 140, insert the following new Clause —

“Review of a Fair Work Agency

- (1) The Secretary of State must publish a review of any Fair Work Agency established under this Part.
- (2) The review must include, in particular —
 - (a) an assessment of the Agency's remit and intended beneficiaries,

- (b) an explanation of the Agency's reporting requirements and mechanisms for accountability,
- (c) a description and evaluation of the powers available to the Agency, including any enforcement, investigatory, or regulatory functions,
- (d) an overview of the Agency's funding arrangements, and
- (e) the Agency's relationship with other relevant bodies, including reference to any shared responsibilities."

Member's explanatory statement

This amendment would require the Secretary of State to publish a review of the Fair Work Agency, including its remit, accountability, powers, funding, and relationships with other bodies. It would also require parliamentary debate and approval of the review before the Act can come into force.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

278 After Clause 140, insert the following new Clause –

“Review of the effectiveness of enforcement of labour market legislation

- (1) The Secretary of State must establish an independent review providing for –
 - (a) an assessment of the effectiveness of enforcement of, and compliance with, relevant labour market legislation requirements as specified in Part 1 of Schedule 7 of this Act;
 - (b) an assessment of the performance and effectiveness of the following bodies in enforcing labour market legislation –
 - (i) Gangmasters and Labour Abuse Authority,
 - (ii) Employment Agencies Standards Inspectorate, and
 - (iii) His Majesty's Revenue and Customs;
 - (c) recommendations on strengthening labour market legislation enforcement.
- (2) The Secretary of State must lay before Parliament a report of the review in subsection (1) within 18 months after the day on which this Act is passed and before any new single labour market enforcement body is established.”

Member's explanatory statement

This new clause seeks to require the Secretary of State to establish a review of enforcement of labour market legislation and to report findings to Parliament before a new labour market enforcement body is established.

Clause 141

BARONESS NOAKES
LORD LONDESBOROUGH

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

Member's explanatory statement

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

After Clause 150

BARONESS PENN

280 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

281 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 SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD VAUX OF HARROWDEN

282 After Clause 150, 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

283 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

284 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

285 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

286 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

287 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

288 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

289 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

290 After Clause 150, insert the following new Clause —

“AI responsible officers

- (1) The Secretary of State, having consulted those organisations and individuals that they consider 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) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Section 414C of the Companies Act 2006 (contents of strategic report) is amended as follows.

(4) 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

291 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 they consider 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 expressed via an opt-in procedure.
- (3) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.”

LORD HOLMES OF RICHMOND

292 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

293 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

294 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

295 After Clause 150, insert the following new Clause –

“Safeguards on ADM systems in relation to workers

Employers must consider their implementation of automated decision making 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

296 After Clause 150, insert the following new Clause –

“Data controller duty to workers

Data controllers must notify workers where and how automated decision making is being used and provide information around their rights.”

LORD HOLMES OF RICHMOND

297 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 must 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 must produce a cross-economy, cross-society, cross-government action plan within 18 months of its establishment.”

LORD HOLMES OF RICHMOND

298 After Clause 150, insert the following new Clause –

“AI in recruitment and employment

- (1) On the day on which this Act is passed, the Secretary of State must commission a review into the uses of AI in the fields of recruitment and employment.
- (2) The review must 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.”

BARONESS NOAKES

299 After Clause 150, 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

300 After Clause 150, 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."

LORD CLEMENT-JONES
THE EARL OF CLANCARTY

301 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

302 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

303 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

304 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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

305 After Clause 150, insert the following new Clause —

“Employment and unemployment impact

Within 12 months of the day on which this Act is passed, the Secretary of State must publish an independent assessment of its likely impact on overall employment and unemployment levels in the UK.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

306 After Clause 150, insert the following new Clause —

“Youth employment impact

Within 12 months of the day on which this Act is passed, the Secretary of State must publish an assessment of its impact on youth employment, including job opportunities for people aged under 25.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

307 After Clause 150, insert the following new Clause –

“Impact on job creation

Within 12 months of the day on which this Act is passed, the Secretary of State must publish an assessment of the impact of this Act on job creation by businesses, with particular attention to small and medium-sized enterprises.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

308 After Clause 150, insert the following new Clause –

“Regional labour market impact

Within 12 months of the day on which this Act is passed, the Secretary of State must publish an assessment of the regional impact of this Act on employment in areas with persistently high unemployment rates.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

309 After Clause 150, insert the following new Clause –

“Sectoral employment impact

The Secretary of State must, within 12 months of the day on which this Act is passed, report on how this Act is expected to affect employment levels in key sectors, including health, hospitality, retail, and manufacturing.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

310 After Clause 150, insert the following new Clause –

“Impact on new business entrants

The Secretary of State must, within 12 months of the day on which this Act is passed and annually thereafter, publish an independent assessment of how this Act affects new business entrants and small start-up enterprises, particularly regarding the impact of increased administrative or financial burdens on market entry and growth.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

311 After Clause 150, insert the following new Clause –

“Productivity impact reporting

Within 12 months of the day on which this Act is passed, the Secretary of State must publish an independent assessment of its impact on business productivity.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

312 After Clause 150, insert the following new Clause –

“Real wages impact reporting

Within 12 months of the day on which this Act is passed, and every year thereafter, the Secretary of State must publish an independent assessment of the Act’s impact on real wages, taking into account changes to nominal wages relative to inflation and overall cost-of-living pressures.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

313 After Clause 150, insert the following new Clause –

“Social mobility impact reporting

Within 12 months of the day on which this Act is passed, the Secretary of State must publish an independent assessment of its impact on social mobility.”

LORD HOLMES OF RICHMOND

314 After Clause 150, insert the following new Clause –

“Action plan: closing the disability pay gap

On the day on which this Act is passed, the Secretary of State must set out a programme and timeline for the development of an action plan which aims to close the disability pay gap.”

LORD HOLMES OF RICHMOND

315 After Clause 150, insert the following new Clause –

“Independent commission: AI in the workplace

- (1) On the day on which this Act is passed, the Secretary of State must establish an independent commission on AI in the workplace.

- (2) The commission in subsection (1) may consider issues such as the effect of AI on employees and their rights at work.
- (3) Within 12 months of the day on which this Act is passed, the commission established by subsection (1) must publish a report with recommendations to the Government and employers about the means by which AI-augmented work can be underpinned by trust and responsible development and deployment.
- (4) The Secretary of State must lay the report in subsection (3) before both Houses of Parliament.”

LORD HOLMES OF RICHMOND

316 After Clause 150, insert the following new Clause —

“Challenges posed by algorithmic allocation of work by employers

- (1) On the day on which this Act is passed, the Secretary of State must launch a project to investigate the potential challenges posed by the algorithmic allocation of work by employers.
- (2) Within 12 months of the day on which this Act is passed, the project must report to the Secretary of State with recommendations for statutory guidance to manage the challenges posed by the algorithmic allocation of work by employers.
- (3) The statutory guidance under subsection (2) must be underpinned by concepts such as—
 - (a) human in the loop procedures,
 - (b) right to challenge algorithmic decisions, and
 - (c) right to a readily understandable explanation of algorithmic decisions in a language or form of the employee’s choice.”

LORD FOX

317 After Clause 150, insert the following new Clause —

“Guidance for small businesses

- (1) The Secretary of State must publish a document containing statutory guidance for businesses with fewer than 50 employees on their employment and legal obligations under this Act.
- (2) The document must include, in particular —
 - (a) an overview of the relevant legal duties placed on employers under this Act,
 - (b) a practical framework outlining how such businesses can meet those duties, and
 - (c) guidance on best practice suitable to businesses of this size.”

Member's explanatory statement

This amendment requires the Secretary of State to publish statutory guidance for small businesses in adhering to the employment and legal requirements of this Act.

LORD CLEMENT-JONES

318 After Clause 150, insert the following new Clause —

“Rights of dependent contractors

After section 230 of the Employment Rights Act 1996 (Employees, workers etc), insert —

“230A Rights of dependent contractors

- (1) A dependent contractor is an individual who —
 - (a) is engaged to perform work or services personally for an employer or contractor of services;
 - (b) primarily or substantially relies on a single employer or contractor of services for their income;
 - (c) is not classified as an employee under a contract of employment, nor as an independent contractor operating a fully autonomous business;
 - (d) is subject to a degree of control by the employer or contractor of services regarding the manner, timing, or conditions under which the work is performed.
- (2) A dependent contractor, as defined in subsection (1), must be entitled to the following rights statutorily accorded to employees —
 - (a) payment at or above the National Minimum Wage for all tasks performed;
 - (b) paid annual leave and shall be subject to the record-keeping duties as outlined for employees in this Act;
 - (c) statutory sick pay;
 - (d) family leave entitlements including parental leave, and bereavement leave;
 - (e) protection from unlawful deductions from pay and protection against discrimination under applicable equality legislation;
 - (f) the right to request fixed hours after a qualifying period of continuous service with the same employer or contractor of services;
 - (g) the right to and on terms to be defined in regulations, mirroring the rights afforded to zero-hour workers and those on similar contracts.
- (3) Dependent contractors, as defined in subsection (1), are not entitled to —
 - (a) statutory redundancy pay;
 - (b) minimum notice periods for termination unless otherwise specified in their contract.

- (4) The Secretary of State may by regulations make further provision in respect of the rights and obligations of dependent contractors, including defining qualifying periods for certain rights.””

Member's explanatory statement

This amendment aims to define dependent contractor status by reference to existing employee rights particularly those related to flexible working arrangements and family leave.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

319 After Clause 150, insert the following new Clause –

“Impact assessment of regulatory burden of this Act

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, lay before Parliament an impact assessment on the regulatory burden on employers and employees of the provisions of this Act.
- (2) The impact assessment under subsection (1) must include an assessment of the impact of the provisions in this Act on the Government’s ability to meet their target to reduce the administrative costs for businesses by 25% by the end of the Parliament in which this Act is passed.”

Member's explanatory statement

This amendment places a duty on the Secretary of State to conduct an impact assessment of the regulatory burden on businesses resulting from this Act and how the Act aligns with the Government’s target to reduce administrative costs for businesses by 25% before the end of the current Parliament.

BARONESS BENNETT OF MANOR CASTLE

320★ After Clause 150, insert the following new Clause –

“Maximum pay ratio

- (1) A worker must be remunerated by their employer at a rate which is not less than one tenth of the remuneration made by the employer to the highest-paid employee.
- (2) The remuneration referred to in subsection (1) includes –
 - (a) salary or hourly pay;
 - (b) bonuses;
 - (c) employer pension contributions;
 - (d) shares, options, or other entitlements;
 - (e) benefits in kind.
- (3) If a worker receives remuneration which is less than the entitlement referred to in subsection (1), the worker is taken to be entitled under their contract to be paid, as additional remuneration in respect of the period concerned, the difference between their entitlement and the remuneration actually received.”

Member's explanatory statement

This amendment would implement a maximum ratio of 10:1 between the highest- and lowest-paid employees in an organisation.

BARONESS BENNETT OF MANOR CASTLE

321★ After Clause 150, insert the following new Clause —

“Review of safe homeward transport for workers

- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish a review of whether workers should be entitled to access to safe homeward transport.
- (2) The review under subsection (1) must include —
 - (a) an analysis of transport options generally available to workers who finish work after 11pm;
 - (b) an analysis of the costs, in absolute terms and as a percentage of pay, to such workers of taking the available transport options;
 - (c) best practice examples of employers who provide homeward transport for workers;
 - (d) proposals to ensure that workers can travel home safely after 11pm without excessive cost.”

Member's explanatory statement

This amendment would require the Government to review the safety and affordability of workers travelling home after 11pm, and make recommendations. It includes reviewing best practice, such as City firms who pay for homeward transport for workers late at night.

LORD BARBER OF AINSDALE
BARONESS O'GRADY OF UPPER HOLLOWAY

322★ After Clause 150, insert the following new Clause —

“Fair pay agreements

- (1) After a fair pay agreement has been established for the social care sector, the Secretary of State must set out a timetable and process for an assessment of whether fair pay agreements could deliver benefits and tackle labour market problems in other sectors.
- (2) In formulating that timetable and process the Secretary of State must consult —
 - (a) the Advisory, Conciliation and Arbitration Service (ACAS),
 - (b) relevant employers,
 - (c) relevant trade unions, and
 - (d) any other persons the Secretary of State considers appropriate.”

Member's explanatory statement

This amendment requires the Secretary of State to establish a timetable and process for an assessment of whether the fair pay agreement arrangements the Bill enables for the social care sector should be extended more broadly.

LORD FOX

323★ After Clause 150, insert the following new Clause –

“Employment tribunal summary judgments

- (1) An employment tribunal may, in any case brought under the provisions of this Act or relevant employment law, make a summary judgment where it considers that the case can be determined without the need for a full trial.
- (2) A summary judgment may be made if the tribunal is satisfied that –
 - (a) the claimant has no reasonable prospect of success, or
 - (b) the defendant has no reasonable prospect of successfully defending the claim.
- (3) The tribunal may, in considering whether to grant a summary judgment, take into account the legal and factual issues raised, the strength of the evidence presented, and any procedural matters that could impact the fair and efficient resolution of the case.
- (4) In making a summary judgment, the tribunal may –
 - (a) dismiss the claim in whole or in part;
 - (b) grant judgment in favour of the claimant or defendant;
 - (c) issue any further orders or directions as necessary.
- (5) A party may apply for a summary judgment at any stage of proceedings, provided that the tribunal is satisfied that it is appropriate to do so.
- (6) The rules and procedures for summary judgment under this section shall be as prescribed by the relevant civil procedure rules.”

Before Clause 151

LORD DAVIES OF BRIXTON

324 Before Clause 151, insert the following new Clause –

“Interpretation

For the purposes of this Act, “remuneration” means any payment or benefit to which a person is entitled in return for work performed including –

- (a) basic salary or wages,
- (b) overtime pay,
- (c) commission,
- (d) bonuses (if contractual or customary),

- (e) shift allowances,
- (f) holiday pay,
- (g) contributions to an authorised pension arrangement, and
- (h) benefits in kind that are treated as income for the purposes of the Income Tax (Earnings and Pensions) Act 2003.”

Member's explanatory statement

This amendment seeks to ensure pension arrangements are covered by the definition of remuneration for the purposes of this Act.

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 153

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

325 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

326 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 156

LORD FOX

327 Clause 156, 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.

LORD FOX

328 Clause 156, page 150, line 12, leave out subsections (1) and (2) and insert –

“(1) Section (*Review of a Fair Work Agency*) and this section come into force on the day on which this Act is passed.

(2) The remainder of this Act may not come into force until –

(a) the review referred to in section (*Review of a Fair Work Agency*) has been published, and

(b) a Minister of the Crown has tabled a motion in both Houses of Parliament for debate and approval of the review, and the review has been approved by a resolution of both Houses.”

Member's explanatory statement

This amendment makes the commencement of the Act contingent on the publication and Parliamentary approval of the review of the Fair Work Agency in another amendment in Lord Fox's name.

LORD FOX

329 Clause 156, page 150, line 12, leave out subsections (1) and (2) and insert –

“(1) Section (*Guidance for small businesses*) and this section come into force on the day on which this Act is passed.

(2) The remainder of this Act may not come into force until –

(a) the review referred to in section (*Guidance for small businesses*) has been published, and

(b) a Minister of the Crown has tabled a motion in both Houses of Parliament for debate and approval of the review, and the review has been approved by a resolution of both Houses.”

Member's explanatory statement

This amendment makes the commencement of the Act contingent on the publication of statutory and Parliamentary approval of guidance contained in another amendment by Lord Fox.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

330 Clause 156, page 150, line 16, leave out subsection (2) and insert –

“(2) No provision of Part 4 of this Act may be brought into force in accordance with subsection (3) until the report referred to in section (*Consultation on trade union legislation*) has been published.”

Member's explanatory statement

This amendment removes provisions to bring much of Part 4 of the Bill into force two months after the passing of the Act and makes commencement of Part 4 conditional upon the publication of a report arising from consultation.

LORD FREYBERG
THE EARL OF CLANCARTY

331 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.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

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

“(3A) If the provisions of section (*Right to switch off in relation to trade union representatives*) have not been fully brought into force before the end of the period of 12 months

beginning with the day on which this Act is passed, that section (so far as not already in force) comes into force at the end of that period.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

333 Clause 156, page 151, line 4, at end insert —

“(3A) Section 62(2) to (12) may not be brought into force before the report of the cost assessment referred to in section (*Facility time: cost assessment*) has been laid before Parliament.”

Member's explanatory statement

This amendment provides that the amendments made in Clause 62 cannot come into force until after the completion of the report of the cost assessment.

LORD VAUX OF HARROWDEN

334 Clause 156, page 151, line 4, at end insert —

“(3A) Section 23 comes into force in accordance with subsection (3) for the purpose of making regulations under section 98ZZA(1) of the Employment Rights Act 1996.

(3B) The rest of section 23 comes into force on the day after the regulations under section 98ZZA(1) of the Employment Rights Act 1996 are made.”

Member's explanatory statement

This amendment would ensure that the existing two year qualifying period during which unfair dismissal may only be claimed in specific circumstances is not abolished until the Secretary of State has put in place regulations that allow for an initial probationary period.

After Clause 156

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

335★ After Clause 156, insert the following new Clause —

“Expiry

This Act expires at the end of the period of three years beginning with the day on which the Act is passed, unless the Secretary of State has laid before Parliament a statement that the measures in this Act have contributed to a net increase in employment.”

Member's explanatory statement

This amendment introduces a sunset clause, ensuring the Act will expire after three years unless the Secretary of State demonstrates that it has led to a net increase in employment.

Employment Rights Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

25 April 2025

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