

Employment Rights Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Second Marshalled List]

After Clause 22

LORD YOUNG OF ACTON

After Clause 22, insert the following new Clause—

“Protection from discrimination on the basis of political opinion or affiliation

After section 40A of the Equality Act 2010, insert—

“40B Employees and applicants: political opinion or affiliation

- (1) An employer (A) must not, in relation to employment by A, discriminate against, harass or victimise (in a manner prohibited by sections 39 or 40), a person (B)—
 - (a) who is an employee of A’s;
 - (b) who has applied to A for employment;in relation to their political opinion or affiliation.
- (2) For purposes of this section—
 - (a) “political opinion” means any political opinion and a reference to a political opinion includes a reference to a lack of a political opinion;
 - (b) “political affiliation” means membership of any political party, group or organisation which is not excluded by subsection (2)(c);
 - (c) political opinion or affiliation does not include any opinion or affiliation which—
 - (i) would be unworthy of respect in a democratic society,
 - (ii) is in conflict with the fundamental rights of others, or
 - (iii) is affiliated with any political party, group or organisation which is proscribed for the purposes of the Terrorism Act 2000.”

BARONESS GOUDIE

After Clause 22, insert the following new Clause –

“Non-disclosure agreements: voiding due to harassment

- (1) This section applies to any agreement between a worker and the worker’s employer, including any proceedings for contract.
- (2) Any provision in an agreement to which this section applies is void insofar as it precludes any worker from making a relevant disclosure.
- (3) In this section, a “relevant disclosure” means any disclosure of any information which, in the reasonable belief of the worker making the disclosure, shows that harassment –
 - (a) has been committed,
 - (b) is being committed, or
 - (c) is likely to be committed,by the employer, a fellow worker or a client of the employer.
- (4) In this section, “harassment” means any act of harassment as defined by section 26 of the Equality Act 2010, including sexual harassment.”

Clause 26

LORD DAVIES OF BRIXTON

Clause 26, page 51, line 16, leave out “10” insert “5”

After Clause 26

LORD YOUNG OF ACTON

After Clause 26, insert the following new Clause –

“Political opinion or affiliation

- (1) After section 103A of the Employment Rights Act 1996, insert –

“103B Political opinion or affiliation

- (1) An employee who is dismissed shall be regarded for the purposes of this part as unfairly dismissed if the reason (or, if more than one, the principle reason) for the dismissal is, or relates to, the employee’s political opinions or affiliation.
- (2) For the purposes of this section –
 - (a) “political opinion” means any political opinion and a reference to a political opinion includes a reference to a lack of a political opinion;

- (b) “political affiliation” means membership of any political party, group or organisation which is not excluded by subsection (2)(c);
 - (i) would be unworthy of respect in a democratic society,
 - (ii) is in conflict with the fundamental rights of others, or
 - (iii) is affiliated with any political party, group or organisation which is proscribed for the purposes of the Terrorism Act 2000.”

(2) In section 124(1A) after “103A,”, insert “103B,””

Member's explanatory statement

An amendment to enhance the protection for political belief and affiliation under English law and to bring such protections into line with the European Convention on Human Rights. While political belief and affiliation is subject to some additional protection under the s108(4) Employment Rights Act 1996, there is a disparity between the remedies, and scope of duties and rights, under the 1996 Act as compared to the Equality Act 2010. This amendment would enhance protection for the freedoms of speech, belief and assembly.

Clause 29

LORD DAVIES OF BRIXTON

Clause 29, page 51, line 11, leave out “120” and insert “52”

Member's explanatory statement

This amendment applies the provisions for collective redundancy notices for ships' crew to ships providing a service entering a harbour in Great Britain on at least 52 occasions in the relevant period.

Schedule 5

LORD DAVIES OF BRIXTON

Schedule 5, page 208, line 9, at end insert –

“(ia) for “120 occasions” substitute “52 occasions”;

Member's explanatory statement

This amendment applies the requirement for national minimum wage equivalence declarations to ships providing a service entering a harbour on more than 52 occasions during a relevant year.

LORD DAVIES OF BRIXTON

Schedule 5, page 209, leave out from the beginning of line 20 to the end of line 23 and insert “52 occasions”

Member's explanatory statement

This amendment applies the requirement for remuneration declarations to ships providing a service entering a harbour on more than 52 occasions during a relevant year.

LORD DAVIES OF BRIXTON

Schedule 5, page 212, leave out lines 36 to 39 and insert “52 occasions”

Member's explanatory statement

This amendment applies the requirement for safe working declarations to ships providing a service entering a harbour on more than 52 occasions during a relevant year.

LORD DAVIES OF BRIXTON

Schedule 5, page 214, line 5, at end insert—

“Regulations relating to other working conditions

4H Regulations relating to other working conditions

- (1) Regulations may specify conditions relating to other working conditions of seafarers who carry out work relating to the provision of a relevant service, including conditions about the provision of—
 - (a) sick pay;
 - (b) holiday pay;
 - (c) pensions;
 - (d) training on matters other than those specified in section 4E(5).
- (2) In this Act, regulations under subsection (1) are referred to as “regulations relating to other working conditions”.
- (3) Regulations relating to other working conditions may impose requirements on the operator of a relevant service.
- (4) Regulations relating to other working conditions may apply to—
 - (a) all relevant services, or
 - (b) one or more relevant services of a specified description.
- (5) For the purposes of subsection (5)(b), a service may be described by reference to (among other things) the route operated by the service.

Declarations relating to other working conditions

4I Request for declaration relating to other working conditions

- (1) Subsection (2) applies where a harbour authority has reasonable grounds to believe that ships providing a service to which regulations relating to other working conditions apply will enter, or have entered, its harbour on at least 52 occasions during a relevant year (see section 19 for the meaning of “relevant year”).
- (2) The harbour authority must, within such period as is determined by regulations under this subsection, request that the operator of the service

provide the authority with a declaration relating to other working conditions in respect of the service for the relevant year.

- (3) The duty under subsection (2) is subject to any direction given by the Secretary of State under section 16(1)(a).
- (4) A harbour authority which fails to comply with subsection (2) is guilty of an offence and liable on summary conviction—
 - (a) in England and Wales, to a fine, or
 - (b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale.

4J Nature of declaration relating to other working conditions

- (1) A declaration relating to other working conditions in respect of a service for a relevant year is a declaration within any of subsections (2) to (5).
- (2) A declaration is within this subsection if it is provided before the beginning of the relevant year and it is to the effect that the relevant working conditions will be met in relation to the service in the relevant year.
- (3) A declaration is within this subsection if it is provided during the relevant year and it is to the effect that the relevant working conditions will be met in relation to the service in what remains of the relevant year.
- (4) A declaration is within this subsection if it is provided during the relevant year and it is to the effect that—
 - (a) the relevant working conditions have been met in relation to the service in so much of the relevant year as has already occurred, and
 - (b) the relevant working conditions will be met in relation to the service in what remains of the relevant year.
- (5) A declaration is within this subsection if it is provided after the end of the relevant year and it is to the effect that the relevant working conditions were met in relation to the service in the relevant year.
- (6) For the purposes of this section the relevant working conditions are met in relation to a service at a particular time if at that time the service is operated in compliance with regulations under section 4H(1) that apply to the service.
- (7) References in subsection (6) to the operation of a service include references to its operation outside the territorial waters of the United Kingdom.”

Member's explanatory statement

This amendment inserts an additional power to make regulations and matching declaration requirements for a broader range of working conditions of seafarers.

LORD DAVIES OF BRIXTON

Schedule 5, page 214, line 34, at end insert—

“(iv) section 4J(4) or (5),”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 5, page 214, line 5 in the name of Lord Davies of Brixton.

LORD DAVIES OF BRIXTON

Schedule 5, page 215, line 19, at end insert—

“(iv) within subsection (3) of section 4J (and not also within subsection (4) of that section),”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 5, page 214, line 5 in the name of Lord Davies of Brixton.

LORD DAVIES OF BRIXTON

Schedule 5, page 215, line 27, leave out “or safe working declaration” and insert “, safe working declaration or declaration relating to other working conditions”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 5, page 214, line 5 in the name of Lord Davies of Brixton.

LORD DAVIES OF BRIXTON

Schedule 5, page 215, line 32, leave out “or safe working declaration” and insert “, safe working declaration or declaration relating to other working conditions”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 5, page 214, line 5 in the name of Lord Davies of Brixton.

LORD DAVIES OF BRIXTON

Schedule 5, page 216, line 9, at end insert—

“(iii) information relating to matters that are the subject of regulations relating to other working conditions.”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 5, page 214, line 5 in the name of Lord Davies of Brixton.

LORD DAVIES OF BRIXTON

Schedule 5, page 217, line 9, at end insert “or

- (d) a declaration relating to other working conditions;
“declaration in relating to other working conditions” has the meaning given by section 4J(1);”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 5, page 214, line 5 in the name of Lord Davies of Brixton.

LORD DAVIES OF BRIXTON

Schedule 5, page 217, line 13, at end insert –

- ““regulations relating to other working conditions” has the meaning given by section 4H(2);”

Member's explanatory statement

This amendment is consequential on the amendment to Schedule 5, page 214, line 5 in the name of Lord Davies of Brixton.

After Clause 54

LORD DAVIES OF BRIXTON

After Clause 54, insert the following new Clause –

“Annual report on provisions relating to seafarers

- (1) The Secretary of State must lay before Parliament an annual report on the extent to which the provisions of sections 29, 53 and 54 of, and Schedule 5 to, this Act improve the working conditions and employment rights of seafarers.
- (2) The first annual report under this section must be laid before Parliament within three months of the day on which this Act is passed.”

LORD DAVIES OF BRIXTON

After Clause 54, insert the following new Clause –

“Annual report on application to seafarers of changes to employment rights

- (1) The Secretary of State must lay before each House of Parliament an annual report on the extent to which the relevant employment rights changes made by this Act apply to seafarers.
- (2) Each annual report must describe –

- (a) so far as appropriate, whether each relevant employment rights change applies or is intended to apply at the time of its commencement to seafarers on a relevant service within the meaning given by section 1 of the Seafarers (Wages and Working Conditions) Act 2023;
 - (b) any proposals by the Secretary of State to apply any relevant employment rights change to such seafarers subsequent to commencement;
 - (c) the extent to which the application of changes to employment rights to seafarers is affected by any change or prospective change to the Maritime Labour Convention, adopted on 23 February 2006 by the International Labour Organisation.
- (3) The first annual report under this section must be laid before each House of Parliament within three months of the passing of this Act.
- (4) In this section, “relevant employment rights changes made by this Act” means the provisions of –
- (a) Part 1 of this Act;
 - (b) sections 25, 28 and 29.”

Member's explanatory statement

This new Clause requires the Secretary of State to produce an annual report on the application of employment rights provisions to seafarers.

After Clause 135

BARONESS HAMWEE

After Clause 135, insert the following new Clause –

“Restrictions on disclosure: immigration and nationality purpose

- (1) Nothing in sections 132 or 133 authorises information to which subsection (2) applies to be used for a purpose within section 40(1) of the UK Borders Act 2007.
- (2) This section applies to information disclosed to an enforcing authority –
 - (a) regarding a person who has been the subject of labour abuse, for the purpose of that person requesting or receiving support or assistance, or
 - (b) by a person who has been witness to labour abuse, for the purpose of evidence or other assistance in connection with an investigation into or a prosecution or other legal proceedings relating to that abuse.
- (3) Paragraph 4 of Schedule 2 to the Data Protection Act 2018 shall not apply to personal data to which subsection (2) applies.
- (4) In section 20 of the Immigration and Asylum Act 1999 after subsection (2B) insert –

“(2C) This section does not apply to information to which section (*Restrictions on disclosure: immigration and nationality purpose*) of the Employment Rights Act 2025 applies.”
- (5) In this section “labour abuse” includes –

- (a) a labour market offence,
 - (b) an offence under the Gangmasters (Licensing) Act 2004, and
 - (c) an offence under the Modern Slavery Act 2015,
- in England, Wales, Scotland or Northern Ireland or a suspected or alleged offence.”

Member's explanatory statement

This new secure reporting Clause would prevent information disclosed about a victim or by a witness of labour abuse being used for a purpose within section 40(1) of the UK Borders Act 2007. This aims to help ensure that migrants with insecure status are able to equally benefit from the improvements in employment rights brought by this Bill.

After Clause 150

LORD DAVIES OF BRIXTON

After Clause 150, insert the following new Clause –

“Annual report on application of changes in Parts 4 and 5 to seafarers

- (1) The Secretary of State must lay before Parliament an annual report extent to which the changes provided for in Parts 4 and 5 of this Act (“the relevant changes”) apply to seafarers.
- (2) Each annual report must describe –
 - (a) so far as appropriate, whether each relevant change applies or is intended to apply at the time of its commencement to seafarers on a relevant service within the meaning given by section 1 of the Seafarers (Wages and Working Conditions) Act 2023;
 - (b) any proposals by the Secretary of State to apply any relevant change to such seafarers subsequent to commencement;
 - (c) the extent to which the application of the relevant changes to seafarers is affected by any change or prospective change to the Maritime Labour Convention, adopted on 23 February 2006 by the International Labour Organisation.
- (3) The first annual report under this section must be laid before Parliament within three months of the day on which this Act is passed.”

Clause 156

LORD DAVIES OF BRIXTON

Clause 156, page 150, line 17, at end insert –

“(za) section (*Annual report on provisions relating to seafarers*);”

Member's explanatory statement

This amendment provides for the coming into force of new clauses “Annual report on provisions relating to seafarers” two months after the passing of the Act.

LORD DAVIES OF BRIXTON

Clause 156, page 150, line 17, at end insert –

“(za) section (Annual report on application to seafarers of changes to employment rights);”

Member's explanatory statement

This amendment provides for the coming into force of new clauses “Annual report on application of changes to employment rights to seafarers” two months after the passing of the Act.

LORD DAVIES OF BRIXTON

Clause 156, page 151, line 2, at end insert –

“(t) section (Annual report on application of changes in Parts 4 and 5 to seafarers).”

Member's explanatory statement

This amendment provides for the coming into force of new clauses “Annual report on application of changes in Parts 4 and 5 to seafarers” two months after the passing of the Act.

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