

Employment Rights Bill

CORRECTED FOURTH 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.**

Clause 19

BARONESS MORRISSEY
BARONESS KRAMER

82A Clause 19, page 42, line 10, at end insert –

- (b) after “prevent” insert “and address”;
- (c) after subsection (3) insert –
 - “(4) Where an employee makes an allegation that sexual harassment has occurred in the course of their employment, an employer must take reasonable steps to investigate the allegation.
 - (5) Any investigation conducted in accordance with subsection (4) must be proportionate to the severity of the allegation and, where an allegation relates to –
 - (a) sexual assault, or

- (b) sexual harassment by a member of the senior management of the employer,
the employer must commission an independent investigation.
- (6) During any investigation conducted under the terms of this section, an employer must take all reasonable steps to protect the wellbeing of the employee who has made the allegation.
- (7) Where an investigation under this section makes recommendations, an employer must comply with those recommendations.””

Clause 20

LORD YOUNG OF ACTON
BARONESS FOX OF BUCKLEY
LORD STRATHCARRON
BARONESS MEYER

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 employees, 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
LORD STRATHCARRON
BARONESS MEYER

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
LORD STRATHCARRON
BARONESS MEYER

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
LORD STRATHCARRON
BARONESS MEYER

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
LORD STRATHCARRON

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
 BARONESS FOX OF BUCKLEY

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
BARONESS O'GRADY OF UPPER HOLLOWAY
BARONESS MORRISSEY

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.”

BARONESS MORRISSEY
BARONESS KRAMER

101A After Clause 22, insert the following new Clause –

“Prohibition on workplace non-disclosure agreements

- (1) A non-disclosure agreement or any equivalent provision preventing disclosure of relevant information in a settlement agreement between an employer and an employee for sexual harassment cases is void, except where the following apply –
 - (a) the victim has requested an NDA, and
 - (b) the victim has taken independent legal advice.
- (2) An employer considering a settlement agreement with an employee must make a contribution of £1500, indexed each year for inflation as measured by the Consumer Prices Index, towards independent legal advice for the employee.”

LORD YOUNG OF ACTON
BARONESS FOX OF BUCKLEY

101B 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

101C 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 23

BARONESS WOLF OF DULWICH
 LORD ABERDARE
 LORD KNIGHT OF WEYMOUTH
 BARONESS GARDEN OF FROGNAL

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
LORD MORSE

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

BARONESS NEVILLE-ROLFE
BARONESS NOAKES
LORD VAUX OF HARROWDEN
LORD MORSE

- 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
LORD MORSE

- 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 LUCAS

- 107A Schedule 3, page 191, line 2, after “means” insert “a period of nine months or”

Member's explanatory statement

This amendment specifies a default period in the bill for the ‘initial period of employment’ whilst still allowing the Secretary of State to change the default period by regulations if required.

LORD VAUX OF HARROWDEN
LORD MORSE

- 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
LORD MORSE

- 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
LORD MORSE

- 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
LORD MORSE

- 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
LORD MORSE

- 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

113ZA★ Clause 26, page 45, line 24, after “sought” insert “without good reason”

Member's explanatory statement

This amendment and another in the name of Lord Sharpe limit the application of the clause to cases where the employer sought, without good reason, to vary the employee's contract of employment in relation to their pay or benefits.

LORD LUCAS

113A Clause 26, page 45, line 25, after “employment” insert “by any substantial means, including—

- (i) changes related to pay;
- (ii) changes related to hours;
- (iii) changes related to location;
- (iv) changes related to benefits,”

Member's explanatory statement

This amendment seeks to limit unfair dismissal due to variations in a contract of employment to “substantial” variations.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 113B★** Clause 26, page 45, line 25, after “employment” insert “in relation to the employee’s pay or benefits”

Member's explanatory statement

This amendment and another in the name of Lord Sharpe limit the application of the clause to cases where the employer sought, without good reason, to vary the employee’s contract of employment in relation to their pay or benefits.

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 SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 115A★** Clause 26, page 46, line 2, at end insert —
“(c) the variation was reasonably necessary to improve workforce productivity.”

Member's explanatory statement

This amendment permits contract variations when reasonably necessary to improve workforce productivity.

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
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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 SHARPE OF EPSOM
LORD HUNT OF WIRRAL

120A★ Clause 26, page 46, leave out lines 18 and 19

Member’s explanatory statement

This amendment removes the criterion requiring employment tribunals to consider whether the employer offered something to the employee when determining if a dismissal is unfair.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

120B★ Clause 26, page 46, leave out lines 20 and 21

Member's explanatory statement

This amendment removes the delegated power allowing the Secretary of State to specify additional matters for tribunals to consider in determining whether a dismissal is unfair under clause 26.

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.

LORD DAVIES OF BRIXTON

122A [Withdrawn]

After Clause 26

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD MORSE

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
LORD HARLECH

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
LORD HARLECH

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
VISCOUNT COLVILLE OF CULROSS

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
BARONESS FOX OF BUCKLEY

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
BARONESS SMITH OF LLANFAES

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

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.

LORD YOUNG OF ACTON
BARONESS FOX OF BUCKLEY

141A 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.

BARONESS BENNETT OF MANOR CASTLE

141B After Clause 26, insert the following new Clause —

“Right to disconnect

- (1) All workers have the right to disconnect from work-related communications outside their working hours.

- (2) An employer must not –
 - (a) require a worker to monitor, read or respond to any work-related communications outside the worker's working hours;
 - (b) contact a worker outside the worker's working hours except in an emergency as defined in subsection (6);
 - (c) take any action to the worker's detriment, or treat the worker less favourably, because the worker has exercised or sought to exercise the right in subsection (1).
- (3) Every employer must –
 - (a) establish a written disconnection policy, in consultation with workers or recognised trade unions,
 - (b) specify the technological and organisational measures implemented to ensure respect for the right to disconnect,
 - (c) establish clear protocols for necessary exceptions, and
 - (d) provide workers with information about how to report violations of the right to disconnect.
- (4) The right to disconnect does not apply where –
 - (a) a worker is on call or standby duty and receiving appropriate compensation for such duty,
 - (b) a worker has explicitly agreed to be available during specified periods outside working hours, with this agreement recorded in writing, or
 - (c) in genuine emergency situations affecting public health, safety, or essential services.
- (5) A worker may present a complaint to an employment tribunal that their employer has infringed their right to disconnect under this section.
- (6) In this section –

“emergency” means a situation that –

 - (a) poses an immediate risk to health, life, property or environment, or
 - (b) requires urgent intervention to prevent serious harm to the business, customers or other workers;

“working hours” means the hours a worker is contractually required to work, including any agreed flexible working arrangements.
- (7) The Secretary of State must issue a statutory code of practice containing guidance on the implementation of the right to disconnect within six months of this Act receiving Royal Assent.”

Member's explanatory statement

This amendment would implement a framework for a "right to disconnect", whereby workers cannot be required to handle work related correspondence outside of their working hours.

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 29

LORD DAVIES OF BRIXTON

143A 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.

LORD DAVIES OF BRIXTON

This amendment replaces Amendment 122A, which was marshalled in the wrong place in error, and corrects its location on the Marshalled List

143AA★ Clause 29, page 51, line 16, leave out “10” and insert “5”**Clause 30**

BARONESS WARWICK OF UNDERCLIFFE

143B★ Clause 30, page 53, line 7, at end insert —

- “(f) a higher education provider as defined by —
- (i) section 3(10) of the Higher Education Research Act 2017;
 - (ii) section 91 of the Further and Higher Education Act 1992;
 - (iii) section 56 of the Further and Higher Education (Scotland) Act 1992;
 - (iv) Article 30 of the Education and Libraries (Northern Ireland) Order 1993.”

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.

LORD FREYBERG

150A [Withdrawn]

Schedule 4

BARONESS BARRAN

151 Schedule 4, page 195, leave out from line 3 to 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, 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.

BARONESS COFFEY

200A After Clause 48, insert the following new Clause —

“Registration scheme: duty to provide access

- (1) Social care providers must ensure that their employees have access to any registration scheme which Social Work England may establish.

- (2) In subsection (1), a “registration scheme” is system where social care workers’ training is centrally logged, allowing their previous training to be recognised by a new employer.”

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.

Schedule 5

LORD DAVIES OF BRIXTON

- 200AA** 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

- 200AB** 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

- 200AC** 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

200AD 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

200AE 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

200AF 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

200AG 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

200AH 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

200AI 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

200AJ 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

200AK 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.

Clause 54

BARONESS JONES OF WHITCHURCH

200B Clause 54, page 72, line 16, at end insert—

“(10A) But regulations under section 84A may not provide for provision made for the purpose of giving effect to an agreement, or an amendment of an agreement, to come into force—

(a) before the United Kingdom has ratified the agreement, or

(b) in a case where—

(i) the provision is for the purpose of giving effect to an amendment of an agreement, and

(ii) the United Kingdom would not be required to give effect to the amendment until it had been ratified by the United Kingdom,

before the United Kingdom has ratified the amendment.”

Member's explanatory statement

This amendment would make clear that regulations under new section 84A of the Merchant Shipping Act 1995 may not provide for provision made for the purpose of giving effect to an international agreement, or to an amendment of an agreement that requires separate ratification, to come into force before the United Kingdom has ratified the agreement or amendment.

BARONESS JONES OF WHITCHURCH

200C Clause 54, page 72, line 17, after “in” insert “subsections (2) to (10) of”

Member's explanatory statement

This amendment is consequential on my amendment of clause 54 at page 72, line 16.

After Clause 54

LORD 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 [*Withdrawn*]

LORD HENDY
BARONESS JONES OF MOULSECOOMB
THE EARL OF CLANCARTY

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
LORD HENDY

204 [Withdrawn]

LORD DAVIES OF BRIXTON

204A 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

204B 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.

THE EARL OF CLANCARTY
LORD FREYBERG

204C★ After Clause 54, insert the following new Clause —

“Review: impact of employment law relating to casting directories and digital casting platforms

Within six months of the day on which this Act is passed, the Secretary of State must commission a review of the impact of employment law relating to casting directories and digital casting platforms on performers in the creative industries.”

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

BARONESS JONES OF WHITCHURCH

215A Schedule 6, page 218, line 17, at end insert –

“3A After paragraph 13 insert –

“13A (1) This paragraph applies if –

- (a) the CAC has received an application under paragraph 11 or 12, and
- (b) it has given notice to the employer under paragraph 13 of receipt of the application.

(2) The employer must comply with the following duties (so far as it is reasonable to expect the employer to do so).

(3) The duties are –

- (a) to give to the CAC, within the relevant period, the specified information in relation to each of the relevant workers;
- (b) if the relevant workers change as a result of an appropriate bargaining unit being agreed by the parties or decided by the CAC, to give to the CAC, within the relevant period, the specified information in relation to each of those who are now the relevant workers;
- (c) to take reasonable steps to ensure that the information given to the CAC under paragraph (a) or (b) does not include any information relating to an individual who is not a relevant worker;
- (d) to inform the CAC, as soon as reasonably practicable, of any worker in relation to whom information has been given to the CAC under paragraph (a) or (b) and who ceases to be a relevant worker (otherwise than by reason of a change mentioned in paragraph (b)).

(4) The relevant period is –

- (a) in the case of the duty in sub-paragraph (3)(a) –

- (i) the period of 5 working days starting with the day after that on which notice was given to the employer of receipt of the application, or
 - (ii) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension;
 - (b) in the case of the duty in sub-paragraph (3)(b) –
 - (i) the period of 5 working days starting with the day after that on which the bargaining unit is agreed or the CAC's decision is notified to the employer, or
 - (ii) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.
 - (5) The specified information, in relation to a relevant worker, is –
 - (a) the worker's name;
 - (b) the worker's date of birth;
 - (c) the category of worker to which the relevant worker belongs.
 - (6) In the case of an application under paragraph 11(2) or 12(2), the relevant workers are –
 - (a) in relation to any time before an appropriate bargaining unit is agreed by the parties or decided by the CAC, those falling within the proposed bargaining unit, and
 - (b) in relation to any time after an appropriate bargaining unit is so agreed or decided, those falling within the bargaining unit agreed or decided upon,but excluding any worker who joined the bargaining unit after the application day.
 - (7) In the case of an application under paragraph 12(4), the relevant workers are those falling within the bargaining unit agreed by the parties, excluding any worker who joined the bargaining unit after the application day.
- 13B(1) Sub-paragraph (2) applies if –
- (a) the CAC is satisfied that the employer has failed to fulfil a duty mentioned in paragraph 13A(3), and
 - (b) the application under paragraph 11 or 12 is in progress.
- (2) The CAC may order the employer –
- (a) to take such steps to remedy the failure as the CAC considers reasonable and specifies in the order, and
 - (b) to do so within such period as the CAC considers reasonable and specifies in the order;
- and in this paragraph a “remedial order” means an order under this sub-paragraph.
- (3) If –

- (a) the CAC is satisfied that the employer has failed to comply with a remedial order, and
 - (b) the application under paragraph 11 or 12 is in progress,
 the CAC must, as soon as reasonably practicable, notify the employer and the union (or unions) that it is satisfied that the employer has failed to comply.
- (4) A remedial order and a notice under sub-paragraph (3) must draw the recipient's attention to the effect of sub-paragraphs (5) and (6).
- (5) Sub-paragraph (6) applies if –
 - (a) the CAC is satisfied that the employer has failed to comply with a remedial order,
 - (b) the application under paragraph 11 or 12 is in progress,
 - (c) the parties have agreed an appropriate bargaining unit or the CAC has decided an appropriate bargaining unit, and
 - (d) in the case of an application under paragraph 11(2) or 12(2), the CAC, if required to do so, has decided under paragraph 20 that the application is not invalid.
- (6) The CAC may issue a declaration that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the workers constituting the bargaining unit.
- (7) For the purposes of this paragraph, an application under paragraph 11 or 12 is in progress if none of the following has occurred –
 - (a) the withdrawal of the application;
 - (b) the CAC giving notice of a decision under paragraph 14(7) which precludes it from accepting the application;
 - (c) the CAC giving notice under paragraph 15(4)(a) in relation to the application;
 - (d) the CAC giving notice to the union (or unions) of a decision under paragraph 20 that the application is invalid;
 - (e) the CAC giving notice to the union (or unions) of a declaration issued under paragraph 13B(6), 19F(5), 19K(4) or (5), 19P(4) or (5), 22(2) or 27(2) in relation to the application;
 - (f) the holding of any ballot arising from the application.””

Member's explanatory statement

This amendment requires an employer to provide certain information about the workers in a bargaining unit within 5 working days after the employer is notified of an application for recognition of a trade union. The duty does not include workers who joined the unit after the application was received by the CAC, as they cannot vote in any potential ballot arising from the application.

BARONESS JONES OF WHITCHURCH

215B

Schedule 6, page 219, line 8, leave out “after “19F(5)” insert “,” and insert “for “19F(5)” substitute “13B(6), 19F(5),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

- 215C** Schedule 6, page 219, line 12, leave out “after “19F(5)” insert “,” and insert “for “19F(5)” substitute “13B(6), 19F(5),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

- 215D** Schedule 6, page 219, line 22, leave out “after “19F(5)” insert “,” and insert “for “19F(5)” substitute “13B(6), 19F(5),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

- 215E** Schedule 6, page 220, line 21, after “paragraph” insert “13B(6),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

- 215F** Schedule 6, page 220, line 35, leave out from “(6)” to end of line 37 and insert “—
- (a) the period of 20 working days starting with the day after the day on which the CAC gives the union (or unions) notice under paragraph 15(5) that the application is accepted, or
 - (b) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.”

Member's explanatory statement

This amendment would provide that, where an application under Part 1 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (recognition of trade union as entitled to conduct collective bargaining) has been made, the period for agreeing terms on which the trade union seeking recognition is to have access to the relevant workers in connection with the application is 20 working days following notification that the union’s application is accepted. The amendment would also enable the Central Arbitration Committee to specify a longer period.

BARONESS JONES OF WHITCHURCH

215G Schedule 6, page 225, line 29, after “paragraph” insert “13B(6),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

215H Schedule 6, page 226, line 35, after “paragraph” insert “13B(6),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

215I Schedule 6, page 227, line 15, after “paragraph” insert “13B(6),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

215J Schedule 6, page 227, line 41, leave out “after “19F(5)” insert “,” and insert “for “19F(5)” substitute “13B(6), 19F(5),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

215K Schedule 6, page 228, line 12, leave out “after “19F(5)” insert “,” and insert “for “19F(5)” substitute “13B(6), 19F(5),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

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.

BARONESS JONES OF WHITCHURCH

- 216A** Schedule 6, page 232, line 36, leave out “after “19F(5),” insert” and insert “for “19F(5),” substitute “13B(6), 19F(5),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

- 216B** Schedule 6, page 232, line 41, at end insert –
“21A In paragraph 39 (admissibility of applications: same bargaining unit), in sub-paragraph (5), after “40” insert “; 40A”.”

Member's explanatory statement

This amendment makes a consequential amendment of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 as a result of the amendment made by paragraph 23 of Schedule 6 to the Bill.

BARONESS JONES OF WHITCHURCH

- 216C** Schedule 6, page 234, line 30, leave out “after “19F(5),” insert” and insert “for “19F(5),” substitute “13B(6), 19F(5),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

- 216D** Schedule 6, page 234, line 35, at end insert –
“27A In paragraph 47 (validity of applications: same bargaining unit), in sub-paragraph (3), after “48” insert “; 48A”.”

Member's explanatory statement

This amendment makes a consequential amendment of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 as a result of the amendment made by paragraph 29 of Schedule 6 to the Bill.

BARONESS JONES OF WHITCHURCH

- 216E** Schedule 6, page 235, line 24, leave out “after “19F(5)” insert “;” and insert “for “19F(5)” substitute “13B(6), 19F(5),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

216F Schedule 6, page 235, line 27, at end insert –

“Changes relevant to appropriateness of bargaining unit

32A(1) Paragraph 67 (admissibility of applications: employer or union believes bargaining unit no longer appropriate) is amended as follows.

(2) In sub-paragraph (2)(c), at the end insert “(but see sub-paragraph (3)).”

(3) After sub-paragraph (2) insert –

“(3) In a case where the application was received by the CAC before the end of the period of three years starting with the day on which the declaration referred to in paragraph 64(1)(a) was issued, the CAC must disregard the matter specified in sub-paragraph (2)(c).”

32B(1) Paragraph 70 (determination of bargaining unit by CAC) is amended as follows.

(2) In sub-paragraph (3)(c), at the end insert “(but see sub-paragraph (3A)).”

(3) After sub-paragraph (3) insert –

“(3A) In a case where the application was received by the CAC before the end of the period of three years starting with the day on which the declaration referred to in paragraph 64(1)(a) was issued, the CAC may not take into account the matter specified in sub-paragraph (3)(c).”

32C In paragraph 75 (questions for CAC to decide where employer believes bargaining unit has ceased to exist), in sub-paragraph (3)(c), at the end insert “(but see paragraph 77(4A)).”

32D In paragraph 77 (CAC’s decision as to appropriateness of bargaining unit, etc), after sub-paragraph (4) insert –

“(4A) In a case where the copy of the notice given to the CAC by the employer under paragraph 74(1) was received by the CAC before the end of the period of three years starting with the day on which the declaration referred to in paragraph 64(1)(a) was issued, in deciding whether the original unit is no longer appropriate the CAC must disregard the matter specified in paragraph 75(3)(c).”

Member's explanatory statement

This amendment provides that, where the Central Arbitration Committee has issued a declaration that a trade union is recognised as entitled to conduct collective bargaining on behalf of a bargaining unit, and a decision of the CAC as to the continued appropriateness of the bargaining unit is sought under Part 3 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 before the end of the period of three years beginning with the date of the declaration, the CAC is not to take into account substantial changes in the number of workers employed in the original unit.

BARONESS JONES OF WHITCHURCH

- 216G** Schedule 6, page 237, line 2, leave out from “(6)” to end of line 4 and insert “—
- (a) the period of 20 working days starting with the day after the day on which the CAC gives the union (or unions) notice under paragraph 68(5) or 76(5) that the application is accepted, or
 - (b) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.”

Member's explanatory statement

This amendment would provide that, where an application under Part 3 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (changes affecting bargaining unit) has been made, the period for agreeing terms on which the trade union concerned is to have access to the relevant workers in connection with the application is 20 working days following notification that the application is accepted. The amendment would also enable the Central Arbitration Committee to specify a longer period.

BARONESS JONES OF WHITCHURCH

- 216H** Schedule 6, page 243, leave out lines 19 and 20 and insert—
- “(iii) if the CAC informs the union (or unions) under paragraph 25(9) (where it applies by virtue of paragraph 89(4)) of any ballot arising from the application, the CAC acting under paragraph 29 (where it applies by virtue of paragraph 89(5)) in relation to the ballot.”

Member's explanatory statement

This amendment ensures that, where the Central Arbitration Committee decides that a complaint about unfair practices in connection with an application under Part 3 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 is well-founded, the CAC may make an order under paragraph 81I(3) of that Schedule, or give notice of a ballot under paragraph 81I(5), whether or not a ballot arising from the application has been held.

BARONESS JONES OF WHITCHURCH

- 216I** Schedule 6, page 244, line 2, leave out from “89(1),” to “and” in line 4

Member's explanatory statement

This amendment ensures that, where the Central Arbitration Committee decides that a complaint about unfair practices in connection with an application under Part 3 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 is well-founded, the CAC may issue a declaration under paragraph 81J(4) or (5) of that Schedule whether or not a ballot arising from the application has been held.

BARONESS JONES OF WHITCHURCH

- 216J** Schedule 6, page 246, line 25, leave out “116E(4),” and insert “116E(4)(a),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 249, line 32.

BARONESS JONES OF WHITCHURCH

216K Schedule 6, page 247, line 2, leave out from “(6)” to end of line 4 and insert “—

- (a) the period of 20 working days starting with the day after the day on which the CAC gives the union (or unions) notice under paragraph 111(5) or 115(5) that the application is accepted, or
- (b) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.”

Member's explanatory statement

This amendment would provide that, where an application under Part 4 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (derecognition) has been made, the period for agreeing terms on which the trade union concerned is to have access to the relevant workers in connection with the application is 20 working days following notification that the application is accepted. The amendment would also enable the Central Arbitration Committee to specify a longer period.

BARONESS JONES OF WHITCHURCH

216L Schedule 6, page 249, line 32, leave out from “employer,” to end of line 34 and insert “the CAC may—

- (a) refuse the employer’s application under paragraph 106 or 107;
- (b) order the employer to refrain from any campaigning in relation to an application under paragraph 112.”

Member's explanatory statement

This amendment provides for a sanction where an employer fails to comply with an access agreement under Part 4 of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 and the application for derecognition of a trade union as entitled to conduct collective bargaining on behalf of a bargaining unit has been made by one or more workers in the unit under paragraph 112 of that Schedule. The Central Arbitration Committee may order the employer not to campaign in relation to the application.

BARONESS JONES OF WHITCHURCH

216M Schedule 6, page 249, line 38, at end insert—

- “116EA (1) This paragraph applies if the CAC has made an order under paragraph 116E(4)(b) in relation to an application under paragraph 112.
- (2) The worker making the application (or each of the workers making the application) and the union (or each of the unions) are entitled to enforce obedience to the order.

- (3) The order may be enforced –
- (a) in England and Wales, in the same way as an order of the county court;
 - (b) in Scotland, in the same way as an order of the sheriff.”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 249, line 32. It enables the worker making the application in question, or the trade union concerned, to enforce an order made against an employer requiring the employer not to campaign in relation to the application.

BARONESS JONES OF WHITCHURCH

216N Schedule 6, page 251, line 29, leave out “116E(4),” and insert “116E(4)(a),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 249, line 32.

BARONESS JONES OF WHITCHURCH

216P Schedule 6, page 252, line 28, leave out “116E(4),” and insert “116E(4)(a),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 249, line 32.

BARONESS JONES OF WHITCHURCH

216Q Schedule 6, page 253, line 9, leave out “116E(4),” and insert “116E(4)(a),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 249, line 32.

BARONESS JONES OF WHITCHURCH

216R Schedule 6, page 257, line 17, leave out “after “19F(5),” insert” and insert “for “19F(5),” substitute “13B(6), 19F(5),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

216S Schedule 6, page 257, line 21, leave out “after “19F(5),” insert” and insert “for “19F(5),” substitute “13B(6), 19F(5),”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 218, line 17.

BARONESS JONES OF WHITCHURCH

- 216T** Schedule 6, page 257, line 35, leave out “reference in paragraph 116A(3)” and insert “references in paragraphs 116A(3) and 116B(3)(a)”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 247, line 2.

BARONESS JONES OF WHITCHURCH

- 216U** Schedule 6, page 257, line 37, leave out “116E(4)” and insert “116E(4)(a)”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 249, line 32.

BARONESS JONES OF WHITCHURCH

- 216V** Schedule 6, page 258, line 24, leave out “116E” and insert “116EA”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 249, line 38.

BARONESS JONES OF WHITCHURCH

- 216W** Schedule 6, page 258, line 31, leave out “reference in paragraph 116A(4)(b)” and insert “references in paragraphs 116A(4)(b), 116E(4)(b) and 116EA(1)”

Member's explanatory statement

This amendment is consequential on my amendments of Schedule 6 at page 249, lines 32 and 38.

BARONESS JONES OF WHITCHURCH

- 216X** Schedule 6, page 258, line 33, leave out “reference in paragraph 116A(3)” and insert “references in paragraphs 116A(3) and 116B(3)(a)”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 6 at page 247, line 2.

LORD LUCAS

- 216Y** Schedule 6, page 259, line 32, at end insert “constituting at least 3 workers”

Member's explanatory statement

This amendment, together with other amendments in the name of Lord Lucas, seek to avoid inadvertently putting further pressure on SMEs, by requiring further minimum thresholds for the required percentage.

LORD LUCAS

216Z Schedule 6, page 259, line 36, leave out “2%” and insert “5%”

Member's explanatory statement

This amendment, together with other amendments in the name of Lord Lucas, seek to avoid inadvertently putting further pressure on SMEs, by requiring further minimum thresholds for the required percentage.

LORD LUCAS

216Z1 Schedule 6, page 259, line 36, at end insert “constituting at least 3 workers”

Member's explanatory statement

This amendment, together with other amendments in the name of Lord Lucas, seek to avoid inadvertently putting further pressure on SMEs, by requiring further minimum thresholds for the required percentage.

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
BARONESS FINN
BARONESS COFFEY

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.

BARONESS COFFEY

218A Clause 59, page 87, line 10, leave out from first “in” to end of line 11 and insert “a case where an employee has joined the company and chooses to opt out within the first four weeks, the day on which they joined the company;

- (c) in any other case, the day on which the opt-out notice is given by the member.”

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 73

LORD 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.

After Clause 74

LORD PRENTIS OF LEEDS

253A After Clause 74, insert the following new Clause –

“Amendments to law on unlawful inducements

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended in accordance with subsections (2) to (3) below
- (2) In section 145A (inducements relating to union membership or activities) –
 - (a) after subsection (1), insert –
 - “(1A) A worker has the right not to be excluded or omitted from an offer made by the employer to any of its workers if the exclusion or omission was on the ground that the worker –
 - (a) was, or proposed to become, a member of an independent trade union;

- (b) had taken part, or proposed to take part, in the activities of an independent trade union at an appropriate time;
- (c) had made use, or proposed to make use, of trade union services at an appropriate time;
- (d) had failed to accept an offer made in contravention of this section or section 145B;
- (e) was not a member of any trade union, or of a particular trade union, or of one of a number of particular trade unions, or had refused, or proposed to refuse, to become or remain a member.”
- (b) in subsection (2), for “subsection (1)” substitute “subsections (1) and (1A)”;
- (c) in subsection (4), for “subsections (1) and (2)”, substitute “subsections (1), (1A) and (2)”;
- (d) in subsection (5), after “has made him an offer” insert “or has excluded him or omitted him from an offer”.
- (3) In section 145D (consideration of complaint) –
 - (a) in subsection (1) after “145A”, insert “or relating to an infringement of section 145A(1A)”;
 - (b) after subsection (1) insert –
 - “(1A) On a complaint under section 145A relating to an infringement of subsection 145A(1A) it shall be for the employer to show the ground on which the worker was omitted or excluded from the offer.””

Member’s explanatory statement

This amendment seeks to ensure that workers are protected if they are excluded or omitted from an offer because they are trade union members. The provision aims to ensure that section 145A applies to conduct which undermines the employees’ rights to freedom of association.

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).

BARONESS COFFEY

257A After Clause 83, insert the following new Clause —

“Right to consider employer offer

After Section 69 of the Trade Union and Labour Relations (Consolidation) Act 1992, insert the following new section —

“69A Right to consider employer offer

A trade union must present any offer from the employer to their membership for a vote whether or not the trade union supports the offer.”

After Clause 86

LORD FOX
BARONESS FOX OF BUCKLEY

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.

BARONESS JONES OF WHITCHURCH

- 264A** Schedule 7, page 262, line 32, leave out "or a person seeking work"

Member's explanatory statement

This amendment is consequential on the definition of "worker" being inserted into Part 5 by my amendment of clause 148 at page 147, line 9.

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.

BARONESS JONES OF WHITCHURCH

- 265A** Schedule 7, page 263, line 3, leave out "or a person seeking work"

Member's explanatory statement

This amendment is consequential on the definition of “worker” being inserted into Part 5 by my amendment of clause 148 at page 147, line 9.

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 89

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 267A** Clause 89, page 108, line 17, leave out paragraph (b) and insert—
- “(b) the conduct of, but not the decision as to whether the Secretary of State will bring, proceedings by virtue of section 113 (*power to bring proceedings in employment tribunals*).”

Member's explanatory statement

This amendment seeks to ensure that the Secretary of State cannot delegate the decision to bring proceedings on behalf of employees.

Clause 90

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 267B** Clause 90, page 109, line 1, leave out “not fewer than nine” and insert “thirteen”

Member's explanatory statement

This amendment, together with another amendment to Clause 90 in the name of Lord Sharpe of Epsom, seeks to ensure that the Fair Work Agency Advisory Board is representative of all employees and employers. It expands the definition of employee representation beyond trade unions, which

represent only 22.4% of UK employees, and seeks to ensure that the Secretary of State takes advice from appropriate business representative organisations for the employer members of the Fair Work Agency advisory board.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

267C Clause 90, page 109, line 5, leave out subsection (4) and insert –

- “(4) The members of the Board must include the following persons –
- (a) two persons appearing to the Secretary of State to represent the interests of trade unions;
 - (b) three persons appearing to the Secretary of State to represent the interests of employees beyond the trade union movement;
 - (c) five persons appearing to the Secretary of State to represent the interest of employers, after the Secretary of State has asked business representative organisations for recommendations;
 - (d) three persons appearing to the Secretary of State to be independent experts.”

Member's explanatory statement

This amendment, together with another amendment to Clause 90 in the name of Lord Sharpe of Epsom, seeks to ensure that the Fair Work Agency Advisory Board is representative of all employees and employers. It expands the definition of employee representation beyond trade unions, which represent only 22.4% of UK employees, and seeks to ensure that the Secretary of State takes advice from appropriate business representative organisations for the employer members of the Fair Work Agency advisory board.

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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

268A Clause 90, page 109, line 14, leave out paragraph (a) and insert –

- “(a) is not a person who could reasonably be said to be considered to represent the interests of trade unions, employees, or employers, and”

Member's explanatory statement

This amendment seeks to avoid giving the Secretary of State an accidental veto by claiming that a candidate who could otherwise be an independent expert appears to represent the interests of a particular group.

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 92

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

271ZA Clause 92, page 110, line 24, at end insert –

- “(c) an assessment of the extent to which the enforcement functions of the Secretary of State which were exercised in accordance with the applicable strategy during the year or the previous year had an effect on the scale and nature of non-compliance with relevant labour market legislation during the year.”

Member's explanatory statement

This amendment introduces a requirement for the Secretary of State to not only consider and report on what enforcement functions were exercised under section 92 (2) (a), but also to report on the effect those enforcement functions had on non-compliance.

Clause 94

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

271ZB Clause 94, page 112, line 13, at end insert “under Schedule 7, Part 1, paragraphs 1-12, 22 to 34 inclusive”

Member's explanatory statement

This amendment seeks to ensure that any ‘fishing expedition’ actions of enforcement officers enabled by subclause (a) are limited to the most serious breaches, thereby preventing a broad expansion of an enforcement officer’s ability to enter business premises to include entering at any point to check on minor matters.

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 100

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

271ZC Clause 100, page 116, line 16, after “legislation” insert “(excluding the matters listed in Schedule 7, Part 1, paragraph 21)”

Member's explanatory statement

This amendment seeks to avoid governmental overreach by excluding holiday pay from notices of underpayment, given that the existing legal framework provides adequate remedy for individuals seeking to enforce their rights in this matter.

Clause 111

BARONESS JONES OF WHITCHURCH

- 271A** Clause 111, page 123, line 40, after “sheriff” insert “or a summary sheriff”

Member's explanatory statement

This amendment would enable an application for an order enforcing a requirement in a notice of underpayment to pay a sum to an individual to be made in Scotland to a summary sheriff (as well as to a sheriff).

Clause 113

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 271B** Clause 113, page 124, line 27, leave out “any enactment” and insert “relevant labour market legislation and Parts 1 to 4 of the Employment Rights Act 1996”

Member's explanatory statement

This amendment establishes that the ability to bring claims relates to issues concerning labour market regulation, which includes pay and similar issues but does not expand into longstanding individual employment rights.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 271C** Clause 113, page 124, line 29, after “Scotland” insert “and has not settled those claims in accordance with Section 203 of the Employment Rights Act 1996”

Member's explanatory statement

This amendment upholds the certainty of employers being able to lawfully settle any claims where individuals have chosen to settle their individual employment rights after taking independent legal advice in accordance with the requirements of the Employment Rights Act 1996.

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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

272ZA Clause 113, page 125, line 19, at end insert—

“(6A) Where an employment tribunal makes a costs order, wasted costs order, or preparation time order against a worker in respect of claims brought or conducted by the Secretary of State on behalf of that worker, such orders must be met by the Secretary of State and not by the worker.”

Member's explanatory statement

This amendment seeks to ensure that where an Employment Tribunal makes a cost order in proceedings commenced by the Secretary of State, employers are not required to enforce costs against workers who did not commence proceedings.

BARONESS JONES OF WHITCHURCH

272A Clause 113, page 125, line 21, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on the definition of “worker” being inserted into Part 5 by my amendment of clause 148 at page 147, line 9.

BARONESS COFFEY
LORD JACKSON OF PETERBOROUGH

The above-named Lords gives notice of their intention to oppose the Question that Clause 113 stand part of the Bill.

Clause 114

LORD JACKSON OF PETERBOROUGH

272B Clause 114, page 125, line 34, after “relations” insert “including employers or their duly appointed legal representatives”

LORD JACKSON OF PETERBOROUGH

272C Clause 114, page 125, line 39, leave out paragraph (c)

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.

Clause 116

LORD JACKSON OF PETERBOROUGH

273A Clause 116, page 127, line 9, leave out “believes” and insert “has established an evidential basis for believing”

Clause 117

LORD JACKSON OF PETERBOROUGH

273B Clause 117, page 127, line 25, after “just” insert, “ , proportionate”

Clause 118

LORD JACKSON OF PETERBOROUGH

273C Clause 118, page 128, line 21, leave out “two years” and insert “one year”

LORD JACKSON OF PETERBOROUGH

273D Clause 118, page 128, line 32, leave out “any other” and insert “all”

Clause 119

LORD JACKSON OF PETERBOROUGH

- 273E** Clause 119, page 129, line 2, leave out “may be given to any partner” and insert “must be given to all partners”

Clause 120

LORD JACKSON OF PETERBOROUGH

- 273F** Clause 120, page 129, line 38, leave out “on the balance of probabilities” and insert “beyond reasonable doubt”

LORD JACKSON OF PETERBOROUGH

- 273G** Clause 120, page 129, line 40, after “just” insert “, proportionate”

Clause 121

LORD JACKSON OF PETERBOROUGH

- 273H** Clause 121, page 130, line 35, leave out “14” and insert “28”

LORD JACKSON OF PETERBOROUGH

- 273I** Clause 121, page 130, line 38, leave out paragraph (b)

Clause 126

LORD JACKSON OF PETERBOROUGH

- 273J** Clause 126, page 133, line 4, after “just” insert “, proportionate, timely”

Clause 128

LORD JACKSON OF PETERBOROUGH

- 273K** Clause 128, page 133, line 23, leave out “any power” and insert “powers”

LORD JACKSON OF PETERBOROUGH

- 273L** Clause 128, page 133, line 24, at end insert “provided they are proportionate and reasonable”

Clause 132

BARONESS JONES OF WHITCHURCH

273M Clause 132, page 136, line 7, leave out “any other” and insert “an”

Member's explanatory statement

This amendment makes a minor drafting change.

LORD JACKSON OF PETERBOROUGH

273N Clause 132, page 136, line 19, leave out subsection (6)

Schedule 9

BARONESS JONES OF WHITCHURCH

273P Schedule 9, page 268, line 3, at end insert—

“The Security Industry Authority.”

Member's explanatory statement

This amendment would enable information obtained in connection with the exercise of enforcement functions under Part 5 of the Bill, or functions under or by virtue of clause 113 or 114 (powers in relation to civil proceedings), to be disclosed to the Security Industry Authority for the purposes of its functions.

After Clause 135

BARONESS HAMWEE
LORD WATSON OF INVERGOWRIE

273PA 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.

Clause 136

LORD JACKSON OF PETERBOROUGH

273Q Clause 136, page 138, line 39, leave out “2 years” and insert “12 months”

Clause 140

LORD JACKSON OF PETERBOROUGH

273R Clause 140, page 141, line 10, leave out sub-paragraph (ii)

BARONESS JONES OF WHITCHURCH

273S Clause 140, page 141, line 30, leave out subsection (7)

Member's explanatory statement

The effect of this amendment is that enforcement costs recovered by the Secretary of State under clause 140 will be payable into the Consolidated Fund.

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.

Schedule 10

LORD PADDICK
BARONESS HAMWEE

- 279ZA** Schedule 10, page 282, line 22, leave out “omit paragraph (k)” and insert “for “the Gangmasters and Labour Abuse Authority substitute “the Fair Work Agency””

Member's explanatory statement

This and another amendment in the name of Lord Paddick is a probing amendment to clarify the extent of transference of the Gangmaster and Labour Abuse Authority’s roles and responsibilities in relation to identifying and assisting modern slavery survivors, and cooperating with the Independent Anti-Slavery Commissioner.

LORD PADDICK
BARONESS HAMWEE

- 279ZB** Schedule 10, page 282, line 33, at end insert –
- “(6A) In Schedule 3, at end insert –
- (a) the heading “Labour market enforcement”;
 - (b) an entry relating to the Fair Work Agency.””

Member's explanatory statement

This and another amendment in the name of Lord Paddick is a probing amendment to clarify the extent of transference of the Gangmaster and Labour Abuse Authority’s roles and responsibilities in relation to identifying and assisting modern slavery survivors, and cooperating with the Independent Anti-Slavery Commissioner.

Schedule 11

BARONESS JONES OF WHITCHURCH

- 279A** Schedule 11, page 290, line 19, at end insert –
- “(2) Any reference in section 134 to HMRC information includes a reference to any information mentioned in sub-paragraph (1)(a) or (d) which –
- (a) was disclosed to the Director of Labour Market Enforcement or a person falling within paragraph (a), (d), (e), (f) or (g) of paragraph 6(4) by the Commissioners for His Majesty’s Revenue and Customs or a person acting on behalf of the Commissioners, and
 - (b) was not obtained by an officer in the course of acting for the purposes of the National Minimum Wage Act 1998 or by virtue of section 26(2) of the Immigration Act 2016.”

Member's explanatory statement

This amendment provides for information previously disclosed by HMRC to enforcement authorities, and treated by paragraph 13 of Schedule 11 to the Bill as having been obtained by the Secretary of State in connection with the exercise of enforcement functions under Part 5 of the Bill, to be treated as HMRC information for the purposes of clause 134, which imposes restrictions on the onward disclosure of such information without authorisation from HMRC.

BARONESS JONES OF WHITCHURCH

279B Schedule 11, page 291, line 31, leave out “23” and insert “24”

Member's explanatory statement

This amendment corrects an incorrect cross-reference.

Clause 148

BARONESS JONES OF WHITCHURCH

279C Clause 148, page 145, line 31, leave out from ““employee”” to end of line 32 and insert “means an individual who is an employee within the meaning of section 230(1) of the Employment Rights Act 1996 or Article 3(1) of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16));”

Member's explanatory statement

This amendment is consequential on my amendments of clause 148 at page 146, line 43 and page 147, line 9.

BARONESS JONES OF WHITCHURCH

279D Clause 148, page 145, line 32, at end insert –
 ““employer” has the meaning given by subsection (1A);”

Member's explanatory statement

This amendment is consequential on the definition of “employer” being inserted into Part 5 by my amendment of clause 148 at page 146, line 43.

BARONESS JONES OF WHITCHURCH

279E Clause 148, page 146, line 41, leave out from first “the” to end of line 43 and insert “meaning given by subsection (4).”

Member's explanatory statement

This amendment is consequential on the definition of “worker” being inserted into Part 5 by my amendment of clause 148 at page 147, line 9.

BARONESS JONES OF WHITCHURCH

279F Clause 148, page 146, line 43, at end insert –

“(1A) In this Part “employer” means any of the following –

- (a) an employer within the meaning of section 230(4) of the Employment Rights Act 1996 or Article 3(4) of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16));
- (b) a person who is an employer for the purposes of Part 4A of the Employment Rights Act 1996 in relation to a worker mentioned in section 43K(2) of that Act;
- (c) a person who is an employer for the purposes of Part 5A of the Employment Rights (Northern Ireland) Order 1996 in relation to a worker mentioned in Article 67K(2) of that Order;
- (d) a person who is the principal for the purposes of section 47A or 63A of the Employment Rights Act 1996 or Article 70A or 91A of the Employment Rights (Northern Ireland) Order 1996 (right to time off for young person for study or training);
- (e) a person who is –
 - (i) an employer for the purposes of Chapter 3 or 4 of Part 2A of the Employment Rights Act 1996 (zero hours workers) by virtue of section 27BJ(7) or (as the case may be) 27BP(8) of that Act,
 - (ii) an employer in relation to a zero hours arrangement within the meaning of Part 2A of that Act (see section 27BZ2(1) of that Act), or
 - (iii) an employer in relation to a non-contractual zero hours arrangement within the meaning of Article 59A of the Employment Rights (Northern Ireland) Order 1996;
- (f) in relation to an individual who is an agency worker within the meaning of Part 2A of the Employment Rights Act 1996 –
 - (i) a person who is the hirer within the meaning of any Part of Schedule A1 to that Act (agency workers: guaranteed hours and rights relating to shifts);
 - (ii) a work-finding agency within the meaning of Schedule A1 to that Act (see section 27BV(4) of that Act);
 - (iii) a relevant person within the meaning of section 47I of that Act (agency workers and Schedule A1 rights);
- (g) in relation to an individual who is an agency worker within the meaning of the Agency Workers Regulations 2010 (S.I. 2010/93) or the Agency Workers Regulations (Northern Ireland) 2011 (S.R. (N.I.) 2011 No. 350) –
 - (i) the hirer within the meaning of the relevant Regulations;
 - (ii) (where the worker is not actually employed by the temporary work agency) the temporary work agency within the meaning of the relevant Regulations;
- (h) in relation to an individual seeking to be employed by a person as a worker, that person.”

Member's explanatory statement

This amendment defines “employer” for the purposes of Part 5. In particular, the definition reflects the persons on whom requirements are imposed by clauses 1 to 5 (zero hours workers, etc).

BARONESS JONES OF WHITCHURCH

279G Clause 148, page 147, line 9, at end insert —

“(4) In this Part “worker” means any of the following —

- (a) a worker within the meaning of section 230(3) of the Employment Rights Act 1996 or Article 3(3) of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16));
- (b) an individual who is not a worker as defined by section 230(3) of the Employment Rights Act 1996 but who is a worker for the purposes of Part 4A of that Act (see section 43K(1) of that Act);
- (c) an individual who is not a worker as defined by Article 3(3) of the Employment Rights (Northern Ireland) Order 1996 but who is a worker for the purposes of Part 5A of that Order (see Article 67K(1) of that Order);
- (d) an individual who —
 - (i) is a worker for the purposes of Chapter 3 or 4 of Part 2A of the Employment Rights Act 1996 (zero hours workers) by virtue of section 27BJ(7) or (as the case may be) 27BP(8) of that Act,
 - (ii) works under a zero hours arrangement within the meaning of Part 2A of that Act (see section 27BZ2(1) of that Act), or
 - (iii) works under a non-contractual zero hours arrangement within the meaning of Article 59A of the Employment Rights (Northern Ireland) Order 1996;
- (e) an individual who is an agency worker within the meaning of Part 2A of the Employment Rights Act 1996;
- (f) an individual who is an agency worker within the meaning of the Agency Workers Regulations 2010 (S.I. 2010/93) or the Agency Workers Regulations (Northern Ireland) 2011 (S.R. (N.I.) 2011 No. 350);
- (g) an individual seeking to be employed by a person as a worker.”

Member's explanatory statement

This amendment defines “worker” for the purposes of Part 5. In particular, the definition reflects the persons on whom rights are conferred by clauses 1 to 5 (zero hours workers, etc).

Clause 149

LORD JACKSON OF PETERBOROUGH

Lord Jackson of Peterborough gives notice of his intention to oppose the Question that Clause 149 stand part of the Bill.

Schedule 12

BARONESS JONES OF WHITCHURCH

279H Schedule 12, page 298, line 17, at end insert—

“Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006

13A In the Schedule to the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 (S.I. 2006/349) (employment rights and protections in connection with consultation), in paragraph 4(2)—

- (a) in paragraph (a), for “three” substitute “six”;
- (b) in paragraph (b), for “three” substitute “six”.

Member's explanatory statement

This amendment extends from three to six months the time limit for bringing a claim in an employment tribunal under paragraph 4 of the Schedule to the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006.

LORD JACKSON OF PETERBOROUGH

Lord Jackson of Peterborough gives notice of his intention to oppose the Question that Schedule 12 be the Twelfth Schedule to the Bill.

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
BARONESS KRAMER

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
LORD PARKINSON OF WHITLEY BAY

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
LORD PARKINSON OF WHITLEY BAY

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
BARONESS BENNETT OF MANOR CASTLE

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
BARONESS BENNETT OF MANOR CASTLE

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 falling 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."

Member's explanatory statement

This amendment, linked to another in the name of Baroness Noakes, seeks to specify how the proposed Employment Law Advisory Committee should scrutinise regulations made under powers contained in this Bill and other labour market legislation.

LORD CLEMENT-JONES
THE EARL OF CLANCARTY
LORD SHARPE OF EPSOM

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
LORD SHARPE OF EPSOM

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
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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
BARONESS FOX OF BUCKLEY

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
LORD MONKS

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.”

LORD DAVIES OF BRIXTON

323A 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.”

BARONESS BENNETT OF MANOR CASTLE

323B After Clause 150, insert the following new Clause —

“Review of electronic monitoring of workers in the workplace

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish a review of electronic monitoring of workers in the workplace, particularly but not exclusively workers for computer-based employment and workers in warehouse and related employment.
- (2) The review under subsection (1) must include —
 - (a) the extent of the use of such monitoring;
 - (b) its impacts on workers' health, safety and wellbeing;
 - (c) a comparison of the UK legal situation in comparison with other comparable countries;
 - (d) a consideration of potential amendments to the current legal framework to improve the health and wellbeing of workers.”

Member's explanatory statement

This amendment would require the Government to review the extent of, impacts of, arguments for restricting of, and international comparisons with other nations, and make recommendations.

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.”

BARONESS PENN
LORD VAUX OF HARROWDEN
BARONESS NEVILLE-ROLFE

326A Clause 153, page 149, line 21, at end insert—

“(8) When making regulations under this Act by statutory instrument, the Secretary of State, the Welsh Ministers or the Scottish Ministers must have regard to the impact of such regulations on the economic growth and competitiveness of the United Kingdom.”

Member's explanatory statement

This amendment seeks to ensure that consideration is given to the UK's growth and competitiveness when making regulations under the Bill.

Clause 156

LORD FOX

Revised version of Amendment 327

327 Clause 156, page 150, line 12, leave out subsections (1) and (2) 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.

(2) The remainder 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 of Practice provided for by another amendment in the name of Lord Fox.

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 SHARPE OF EPSOM
LORD HUNT OF WIRRAL

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

- “(2) Sections 1 to 9, 19 to 26, 27 to 34, 56, 61, 62, 73, 107, 113, 149, Schedule 1 to 3 and Schedule 10 of this Act may not be brought into force until the following conditions have been met –
- (a) the Secretary of State has commissioned an independent assessment of the capacity and effectiveness of the employment tribunal system, including –
 - (i) current delays and case backlog,
 - (ii) staffing levels and judicial resourcing, including plans to recruit additional judges,
 - (iii) funding arrangements, and
 - (iv) the projected impact of the provisions of this Act on tribunal caseloads;

- (b) the independent assessment has been –
 - (i) published in full, and
 - (ii) laid before both Houses of Parliament;
- (c) the assessment has made specific recommendations to address the backlog and delay in the employment tribunal system, including proposals relating to judicial appointments and case management;
- (d) the Secretary of State has published a statement confirming that recommendations of the independent assessment which have been accepted by the Government have been fully implemented;
- (e) the number of outstanding employment tribunal claims has been reduced to below 10,000.”

Member's explanatory statement

This amendment prevents the commencement of Sections 1-9, 19-26, 27-34, 56, 61, 62, 73, 107, 113, 149, Schedule 1 – 3 and Schedule 10 in this Act until the backlog of outstanding claims falls below 10,000, a consultation report has been published, and the Secretary of State has published and laid before Parliament a funding plan to support the employment tribunal system.

LORD DAVIES OF BRIXTON

330A 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

330B 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

330C 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.

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

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

16 May 2025

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