

Employment Rights Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Fourth Corrected Marshalled List]

**Amendment
No.**

Clause 27

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

141C★ Clause 27, page 47, line 15, at end insert –

“(ba) after subsection (1) insert –

“(1ZA) For the purposes of subsections (A1) and (1), where redundancies proposed within a 90-day period occur at more than one establishment, collective consultation requirements shall only apply if the redundancies arise from a common underlying business reason or connected series of events.

(1ZB) Where redundancies are unconnected, arising independently at different establishments and for unrelated reasons, the employer is not required to conduct a single, combined collective consultation but may consult separately with representatives at each establishment or group of employees affected.”;

Member's explanatory statement

This amendment ensures that collective consultation obligations only apply across multiple establishments where proposed redundancies are linked by a common business rationale or connected events. It allows separate consultation processes for unrelated redundancies occurring independently at different locations.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

141D★ Clause 27, page 47, line 15, at end insert –

“(ba) after subsection (1) insert –

“(1ZA) For the purposes of subsections (A1) and (1), where redundancies arise as a result of anticipated, recurring seasonal fluctuations in demand, employers may exclude employees engaged on fixed-term or seasonal contracts from the collective redundancy count.

(1ZB) Where redundancies relate to separate seasonal peaks or troughs occurring at different times and/or establishments, these redundancies shall not be aggregated for the purposes of triggering collective consultation unless they form part of a continuous or connected redundancy exercise.”;

Member's explanatory statement

This amendment clarifies that employers may exclude fixed-term or seasonal workers from the collective redundancy threshold where redundancies are due to expected seasonal fluctuations.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

141E★ Clause 27, page 47, line 15, at end insert –

“(ba) after subsection (1) insert –

“(1ZA) Where the employer is proposing to dismiss employees as redundant in separate groups –

- (a) located at different establishments,
- (b) performing different types of work, or
- (c) whose proposed redundancies arise from different business rationales or operational needs,

the employer may consult separately with the appropriate representatives of each group.

(1ZB) Nothing in this section requires an employer –

- (a) to consolidate separate consultation processes into a single exercise, or
- (b) to require representatives of unrelated employee groups to be consulted together,

provided that meaningful consultation takes place with each affected group in accordance with this section.”;

Member's explanatory statement

This amendment clarifies that where redundancies arise in distinct groups – due to location, job function, or different business reasons – employers may conduct separate consultation processes.

It ensures that there is no obligation to merge unrelated redundancy consultations into a single exercise, provided each group receives meaningful consultation.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

141F★ Clause 27, page 47, line 23, at end insert –

“(da) for subsection (3) substitute –

- “(3) In determining how many employees an employer is proposing to dismiss as redundant within a period of 90 days or less, no account shall be taken of employees in respect of whose proposed dismissals consultation has already begun.
- (3A) For the purposes of subsection (3), consultation shall be taken to have begun in relation to a proposed dismissal where the employer has –
 - (a) commenced meaningful consultation with the employee or their representative, whether individually or collectively, regarding the proposed dismissal and its implications, or
 - (b) provided written information about the proposed dismissal to affected employees or their representatives in a manner consistent with subsection (4).
- (3B) Where consultation has begun in accordance with subsection (3A), the employer shall not be required to re-consult collectively in relation to those dismissals solely by reason of subsequently reaching the threshold number of proposed redundancies under subsection (1A).”;

Member's explanatory statement

This amendment clarifies that where meaningful consultation on proposed redundancies has already begun - either individually or collectively - those redundancies are excluded from the threshold calculation for triggering collective consultation. It ensures employers are not required to retrospectively re-consult on earlier dismissals solely because later redundancies push the total above the statutory threshold.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

142A★ Clause 27, page 49, line 40, at end insert –

“(8) After section 198B, insert the following new section –

“198C Interpretation

- (1) For the purposes of this Chapter, “establishment” means a unit or part of the employer’s undertaking that satisfies one or more of the following criteria –

- (a) it is situated at a separate geographical location from other parts of the undertaking and operates with a degree of autonomy;
 - (b) it performs distinct operational or functional activities that are not interchangeable with other parts of the undertaking;
 - (c) it has its own line management responsible for day-to-day personnel and operational decisions.
- (2) For the purposes of subsection (1), an establishment shall be determined with reference to the practical organisation of work and decision-making within the undertaking.
- (3) No establishment situated wholly outside of the United Kingdom shall be taken into account in determining whether the threshold number of proposed redundancies has been met.””

Member's explanatory statement

This amendment defines “establishment” to ensure that collective consultation duties apply only to genuinely connected groups of employees, based on geographic, functional, or operational coherence. It seeks to prevent the aggregation of unrelated redundancy exercises and excludes overseas sites from the calculation.

Clause 28

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

142B★ Clause 28, page 50, line 4, leave out subsection (2)

Member's explanatory statement

This amendment removes the proposed extension of the maximum protective award period from 90 to 180 days.

Schedule 5

BARONESS WHITAKER

200ABA★ Schedule 5, page 212, line 19, at end insert—

- “(5A) Regulations must make provision for and in connection with the prevention of sexual harassment of seafarers when carrying out their work.”

Member's explanatory statement

This amendment would require the Secretary of State to make safe working regulations designed to prevent the sexual harassment of seafarers when carrying out their work.

Clause 87

LORD CARTER OF HASLEMERE

263A★ Clause 87, page 107, line 20, leave out subsection (6) and insert—

“(6) A person appointed under this section as an enforcement officer shall be operationally independent of the Secretary of State in the way they exercise their enforcement functions.”

Member's explanatory statement

This amendment seeks to ensure the Secretary of State cannot direct the way in which an enforcement officer exercises their enforcement functions.

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19 May 2025
