

Employment Rights Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Fifth Marshalled List]

**Amendment
No.**

Clause 27

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

141BA★ Clause 27, page 47, line 13, at end insert –

- “(B1) Subsection (A1)(a) shall not apply where the employer is undergoing relevant insolvency proceedings.
- (C1) Where the employer is undergoing relevant insolvency proceedings, the duty to consult shall arise only in accordance with subsection (1), by reference to the number of employees proposed to be dismissed at a single establishment within a period of 90 days or less.
- (D1) For the purposes of subsection (B1), “relevant insolvency proceedings” has the same meaning as in regulation 8(6) of the Transfer of Undertakings (Protection of Employment) Regulations 2006.”

Member's explanatory statement

This amendment ensures that employers in formal insolvency proceedings are not subject to the new entity-wide redundancy consultation trigger. Instead, the existing “20 or more at one establishment” threshold would apply. The amendment relies on an established definition of insolvency proceedings, consistent with Regulation 8(6) of TUPE 2006.

Schedule 6

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

215AA★ Schedule 6, page 218, line 18, leave out paragraph 4

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20 May 2025
