

# Employment Rights Bill

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## AMENDMENTS

### TO BE MOVED

#### IN COMMITTEE OF THE WHOLE HOUSE

*[Supplementary to the Sixth Marshalled List]*

Amendment  
No.

#### Clause 56

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

**213AA★** Clause 56, page 78, line 15 at end insert –

- “(2A) Where an access agreement relates to a hospital (within the meaning of section 275 of the National Health Service Act 2006), physical entry may be refused where –
- (a) patient safety, infection control, or clinical operations would be adversely affected,
  - (b) the access purpose can reasonably be achieved by alternative means of communication, or
  - (c) access would unreasonably disrupt urgent or time-sensitive medical activity.
- (2B) In determining whether access is reasonable in the context of a hospital, the Central Arbitration Committee must give significant weight to the factors set out in subsection (2A).”

#### *Member's explanatory statement*

*This amendment makes special provision for hospital workplaces, allowing physical access to be refused where it would impact patient safety, infection control, or clinical operations, or where access purposes can be met by alternative means. It requires the Central Arbitration Committee to give significant weight to these factors when considering access in hospital settings.*

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

*As an amendment to Amendment 215A*

**215AZZA★** After inserted paragraph 13A(5), insert—

“(5A) Where the CAC is satisfied that changes to the workforce materially affect the composition of the bargaining unit, it may direct the employer to provide updated specified information before the close of any ballot.”

***Member's explanatory statement***

*This amendment enables the CAC to request updated workforce information from the employer where there have been material changes, ensuring that the ballot reflects the current composition of the bargaining unit.*

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

*As an amendment to Amendment 215A*

**215AZZB★** In inserted paragraph 13A(6), leave out “but excluding any worker who joined the bargaining unit after the application day” and insert “including any worker who is employed within the bargaining unit up to the close of any ballot held under this Schedule”

***Member's explanatory statement***

*This amendment would allow workers who join the bargaining unit after the application date – but before the close of any ballot – to participate in the ballot, ensuring full democratic representation of the current workforce.*

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

*As an amendment to Amendment 215A*

**215AZZC★** In inserted paragraph 13A(7), leave out “excluding any worker who joined the bargaining unit after the application day” and insert “including any worker who is employed within the bargaining unit up to the close of any ballot held under this Schedule”

***Member's explanatory statement***

*This amendment ensures that newly hired workers within the bargaining unit are not automatically excluded from a recognition ballot, provided they are employed before the ballot concludes.*

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

*As an amendment to Amendment 215A*

**215AZZD★** In inserted paragraph 13B(6), at beginning insert “Subject to the CAC being satisfied that the exclusion of new employees from the ballot would not materially affect the outcome or undermine democratic fairness,”

***Member's explanatory statement***

*This amendment requires the CAC to consider the democratic fairness of excluding new employees from the ballot before issuing a declaration of union recognition, protecting the integrity of the process.*

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

*As an amendment to Amendment 216F*

- 216FA★** In paragraph 32A(3), at end insert “unless the CAC is satisfied that substantial operational restructuring has occurred which materially alters the composition or function of the bargaining unit.”

***Member's explanatory statement***

*This amendment introduces a narrow exception allowing the CAC to consider substantial changes to worker numbers where those changes arise from genuine operational restructuring that materially affects the appropriateness of the bargaining unit.*

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

*As an amendment to Amendment 216F*

- 216FB★** In paragraph 32D, at end of inserted sub-paragraph (4A) insert –
- “(4B) Sub-paragraph (4A) does not apply where the CAC determines that continued application would result in the bargaining unit no longer accurately reflecting the composition of the workforce for the purposes of collective bargaining.”

***Member's explanatory statement***

*This amendment ensures that the bargaining unit remains representative of the actual workforce. It empowers the CAC to override the three-year restriction if ignoring workforce changes would undermine democratic and representative collective bargaining.*

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

*As an amendment to Amendment 216L*

- 216LA★** In paragraph (b), at end insert –
- “(4A) Before making any such order under this sub-paragraph (4), the CAC must be satisfied that –
- (a) the employer’s non-compliance was material and likely to have affected the fairness of the derecognition process, and
  - (b) the proposed restriction is proportionate and necessary to protect the integrity of the process.”

***Member's explanatory statement***

*This amendment introduces a proportionality test to ensure that CAC sanctions against an employer – particularly the restriction on campaigning – are applied only where the employer's breach materially affected the derecognition process and further intervention is clearly justified.*

**Schedule 6**

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

**216LB★** Schedule 6, page 249, line 38 at end insert –

- “(6) Instead of or in addition to issuing a declaration under this paragraph, the CAC may order the union to refrain from any campaigning in relation to an application under paragraph 112, but only if –
- (a) the union's non-compliance was material and likely to have affected the fairness of the derecognition process, and
  - (b) the proposed restriction is proportionate and necessary to protect the integrity of the process.”

***Member's explanatory statement***

*This amendment supplements existing sanctions against unions by allowing the CAC to impose campaigning restrictions as an alternative or additional sanction, with safeguards to ensure proportionality and fairness.*

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

*As an amendment to Amendment 216M*

**216MZA★** In inserted subsection 116EA(2) leave out “and the union (or each of the unions)” and insert “or the union (or each of the unions), but not both”

***Member's explanatory statement***

*This amendment clarifies that either the workers or the union – but not both – may enforce the CAC's order, avoiding the risk of multiple or overlapping enforcement actions, and ensuring clarity in responsibility.*

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

*As an amendment to Amendment 216M*

**216MZB★** Leave out sub-paragraph (3) and insert –

- “(3) The order may be enforced only by the CAC using its existing statutory powers.”

**Member's explanatory statement**

*This amendment preserves the established role of the CAC as the primary enforcement body and removes the potential for employees or unions to initiate separate legal proceedings in the civil courts, which would fragment the process and risk inconsistency.*

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

*As an amendment to Amendment 216M*

**216MZC★** In inserted paragraph 116EA, at end insert –

- “(4) Where the party failing to comply is a trade union, the employer shall have the same right to enforce the order as set out in sub-paragraphs (2) and (3).”

**Member's explanatory statement**

*This amendment ensures parity by giving employers the same right to enforce a CAC order as that proposed for unions and workers, addressing the imbalance in the original drafting and ensuring procedural fairness.*

**Clause 71**

LORD HUTTON OF FURNESS

**251A★** Clause 71, page 97, leave out lines 13 and 14 and insert –

- “(b) ending with the tenth day before the starting date save (and to the extent that) the notice relates to industrial action by employees of a UK air carrier (which is an operating air carrier), in which case the appropriate period shall end with the fourteenth day before the starting date.

(4A) In subsection (4) –

“operating air carrier” and “UK air carrier” shall have the meaning given to them in Article 2 of Regulation (EC) No. 261/2004 of the European Parliament and of the Council of 11 February 2004 (as retained), and

“starting date” means the day of the first of the days specified in the relevant notice.”

**Member's explanatory statement**

*This amendment introduces a carve-out for UK airline employees to ensure they still have to give 14 days notice of planned industrial action. This is intended to align with the UK airlines obligations under European regulations to provide compensation when cancelling flights with fewer than 14 days notice in circumstances that are not “extraordinary”. Such circumstances include airline employees taking industrial action having given the require period of statutory notice.*

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*3 June 2025*

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