

Employment Rights Bill

[With the starting point for the List corrected]

CORRECTED NINTH 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.**

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
BARONESS LAWLOR

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 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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

251B 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 person who holds a railway undertaking licence, in which case the appropriate period shall end with the fourteenth day before the starting date.

(4A) In paragraph (b) –

“railway undertaking licence” has the meaning given by section 6(2) of the Railways Act 1993, and

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

Member's explanatory statement

This amendment extends the industrial action notice period from 10 to 14 days for employees of railway operators holding a railway undertaking licence, as defined in the Railways Act 1993. The longer notice period allows more time to manage and respond to potential disruption in the rail sector.

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

251C★ Clause 73, page 98, line 13, at end insert—

“(2A) Subsection (1) only applies where the protected industrial action is the result of a properly conducted ballot in accordance with sections 226 to 232.”

Member's explanatory statement

This amendment ensures that subsection (1) only applies where protected industrial action follows a properly conducted ballot under sections 226–232.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

251D★ Clause 73, page 98, line 19, at end insert “but must—

- (a) limit detriments to those causing substantial adverse change to terms or conditions of employment, and
- (b) classify each detriment by severity.”

Member's explanatory statement

This amendment tightens the scope of “detriment” in regulations by requiring that only detriments causing substantial adverse changes to terms or conditions of employment may be prescribed, and that each must be classified by severity.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

251E★ Clause 73, page 98, line 22, at end insert—

“(5A) Subsection (1) does not apply where the employer reasonably believes that the act or failure to act is necessary to preserve continuity of critical operations.”

Member's explanatory statement

This amendment creates a “business continuity” defence by excluding protection where the employer reasonably believes the act or omission is necessary to preserve critical operations, allowing essential operational decisions without triggering detriment claims.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

251F★ Clause 73, page 98, line 22, at end insert –

“(5A) The right under subsection (1) does not apply where the industrial action taken by the worker poses a significant and foreseeable risk to public health or safety.”

Member's explanatory statement

This amendment disapplies the right to avoid detriment where the industrial action poses a significant and foreseeable risk to public health or safety, safeguarding essential services and public welfare.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

251G★ Clause 73, page 98, line 22, at end insert –

“(5A) The right under subsection (1) does not apply where the detriment arises from lawful measures taken to prevent or respond to industrial action involving workers who are not members of a recognised trade union.”

Member's explanatory statement

This amendment excludes protection for detriments arising from lawful measures taken against workers who are not members of a recognised trade union, allowing employers to address non-union industrial action without liability.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

251H★ Clause 73, page 98, line 22, at end insert –

“(5A) Protection under subsection (1) does not apply where a worker fails to comply with lawful and reasonable health and safety instructions issued by the employer during industrial action.”

Member's explanatory statement

This amendment disapplies protection where a worker fails to comply with lawful and reasonable health and safety instructions issued by the employer during industrial action, preserving workplace health and safety.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

251J★ Clause 73, page 98, line 28, at end insert –

“(7A) For the purposes of this section, protected industrial action does not include secondary action or action taken in support of a dispute in which the worker is not directly involved.”

Member's explanatory statement

This amendment excludes secondary action and sympathy strikes – industrial action in support of disputes in which the worker is not directly involved – from protection under section 236A, aligning with existing prohibitions on such tactics.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

251K★ Clause 73, page 99, line 37, at end insert –

“(1A) The Secretary of State must –

- (a) establish three bands of detriment severity –
 - (i) “minor”,
 - (ii) “serious”, and
 - (iii) “extreme”,
- (b) specify a maximum compensation limit for each band, and
- (c) require tribunals to categorise any breach under section 236A into one of those three bands when awarding compensation.”

Member's explanatory statement

This amendment requires the Secretary of State to establish three statutory bands of detriment severity – “minor”, “serious” and “extreme” –, specify maximum compensation limits for each, and mandate that tribunals categorise breaches accordingly.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

251L★ Clause 73, page 99, line 39, leave out from “equitable” to end of line 2 on page 100, and insert “and only to the extent the complainant has suffered actual financial loss attributable to the act or failure complained of”

Member's explanatory statement

This amendment requires claimants to demonstrate actual financial loss attributable to the employer’s act or failure before compensation can be awarded. It ensures that compensation corresponds to real harm suffered, preventing speculative or inflated claims.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 251M★** Clause 73, page 100, line 2, at end insert, “and to whether the employer’s act or failure to act was a proportionate response in all the circumstances.”

Member's explanatory statement

This amendment requires tribunals, when considering an employer’s act or failure to act, to assess whether it was a proportionate response in all the circumstances, preventing disproportionate or punitive measures.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 251N★** Clause 73, page 100, line 10, at end insert –
- “(4A) Compensation awarded under this section shall not include damages for pain, suffering, or injury to feelings.”

Member's explanatory statement

This amendment restricts compensation to economic losses only, excluding damages for pain, suffering, or injury to feelings.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 251P★** Clause 73, page 100, line 10, at end insert –
- “(4A) In determining the amount of compensation, the tribunal must have regard to the legitimate business interests of the employer, including the need to maintain operational efficiency and workforce discipline.”

Member's explanatory statement

This amendment requires tribunals to consider the employer’s legitimate business interests – such as maintaining operational efficiency and workforce discipline – when deciding compensation.

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.

Clause 76

BARONESS COFFEY

★ *Baroness Coffey gives notice of her intention to oppose the Question that Clause 76 stand part of the Bill.*

Clause 77

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

The above-named Lords give notice of their intention to oppose the Question that Clause 77 stand part of the Bill.

Clause 78

BARONESS COFFEY

★ *Baroness Coffey gives notice of her intention to oppose the Question that Clause 78 stand part of the Bill.*

Clause 79

BARONESS COFFEY

★ *Baroness Coffey gives notice of her intention to oppose the Question that Clause 79 stand part of the Bill.*

Clause 80

BARONESS COFFEY

- ★ *Baroness Coffey gives notice of her intention to oppose the Question that Clause 80 stand part of the Bill.*

Clause 81

BARONESS COFFEY

- ★ *Baroness Coffey gives notice of her intention to oppose the Question that Clause 81 stand part of the Bill.*

Clause 82

BARONESS COFFEY

- ★ *Baroness Coffey gives notice of her intention to oppose the Question that Clause 82 stand part of the Bill.*

Clause 83

BARONESS COFFEY

- ★ *Baroness Coffey gives notice of her intention to oppose the Question that Clause 83 stand part of the Bill.*

After Clause 83LORD 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.”

Clause 85

BARONESS COFFEY

257B★ Clause 85, page 106, line 11, leave out “subsection (5)” and insert “this section”

BARONESS COFFEY

257C★ Clause 85, page 106, leave out lines 15 to 28

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.”

Member's explanatory statement

This amendment establishes a tailored unionisation framework for arts and cultural organisations that includes alternative bargaining models for freelancers, financial viability assessments, and sector-specific dispute resolution to balance worker protections with organisational sustainability.

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.

Clause 87

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

263ZA★ Clause 87, page 107, line 12, at end insert –

- “(3A) A person may not be appointed as an enforcement officer under this section unless they –
- (a) possess professional qualifications relevant to the enforcement of labour market legislation;
 - (b) have undergone prescribed training in the exercise of statutory powers, including rights of entry, inspection, and seizure.”

Member's explanatory statement

This amendment ensures that enforcement officers possess appropriate professional qualifications, training, and suitability.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

263ZB★ Clause 87, page 107, line 15, at end insert –

- “(4A) The Secretary of State must ensure that enforcement officers –
- (a) maintain records of all enforcement actions taken under this Part,
 - (b) provide written notice to affected persons of the reasons for any enforcement action, and
 - (c) submit activity reports to an independent oversight body.”

Member's explanatory statement

This amendment mandates documentation and notice requirements for enforcement activity, promoting transparency, facilitating review, and helping to deter abuse or misuse of powers.

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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

263B★ Clause 87, page 107, line 21, at end insert –

- “(6A) The Secretary of State must establish and maintain an independent oversight body with responsibility for –
- (a) monitoring the conduct of enforcement officers,
 - (b) receiving and investigating complaints relating to the exercise of enforcement functions, and
 - (c) publishing annual reports on the use of such powers.”

Member's explanatory statement

This amendment establishes independent oversight to ensure enforcement powers are used lawfully and proportionately. It creates a mechanism for accountability and redress.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

263C★ Clause 87, page 107, line 21, at end insert—

“(6A) Enforcement officers must exercise their functions in a manner that minimises disruption and harm to individuals and businesses, including during inspections, interviews, and seizures.”

Member's explanatory statement

This amendment introduces a duty to act with care and avoid unnecessary damage or interference with lawful activity during enforcement.

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 COFFEY

264ZA★ Schedule 7, page 262, line 29, leave out paragraph 27

Member's explanatory statement

This amendment seeks to probe the scope of enforcement actions.

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
LORD SHARPE OF EPSOM

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.

BARONESS COFFEY

266A★ Schedule 7, page 264, line 21, leave out paragraph (b)

LORD HUNT OF WIRRAL
LORD SHARPE OF EPSOM

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

BARONESS COFFEY

- 267ZA★** Clause 89, page 108, line 10, at end insert “that is comprised of civil servants and that is not a non-ministerial department”

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.

BARONESS COFFEY

- 267AA★** Clause 89, page 108, line 22, after “authority” insert “that is comprised of civil servants and that is not a non-ministerial department”

BARONESS COFFEY

- 267AB★** Clause 89, page 108, line 31, leave out subsection (6)

Clause 90

BARONESS COFFEY

- 267AC★** Clause 90, page 108, line 38, at end insert—
- “(1A) The Secretary of State must appoint a Chair of the Advisory Board who must be qualified to practice as a barrister and have been made King's Counsel.
- (1B) The term of the Chair's appointment must be for a maximum of four years, with a maximum appointment of two terms, and with other conditions as may be specified by the Secretary of State.
- (1C) The Chair's appointment must be approved by a relevant select committee of the House of Commons.”

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.

BARONESS COFFEY

267BA★ Clause 90, page 109, line 1, leave out “not fewer than nine” and insert “ten”

BARONESS COFFEY

267BB★ Clause 90, page 109, line 3, leave out “Each member” and insert “Every member other than the Chair”

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.

BARONESS COFFEY

- 267D★** Clause 90, page 109, line 8, leave out “trade unions” and insert “employees”

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.

LORD SHARPE OF EPSOM

LORD HUNT OF WIRRAL

271ZZA Clause 91, page 110, line 12, at end insert –

“with the three-year period resetting three months after any general election.”

Member's explanatory statement

This amendment seeks to ensure that a new government would not be held to the labour market enforcement strategy of a predecessor government for up to three years.

Clause 92

BARONESS COFFEY

271ZZB★ Clause 92, page 110, line 16, leave out “As soon as reasonably practicable after” and insert “Within three months of”

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 SHARPE OF EPSOM
LORD HUNT OF WIRRAL

271ZBA★ Clause 95, page 112, line 42 at end insert —

- “(3A) An enforcement officer may not enter premises or seize documents or property without —
- (a) the consent of the occupier, or
 - (b) the authority of a warrant issued by a magistrate.”

Member's explanatory statement

This amendment introduces a requirement for judicial oversight before the use of coercive powers such as entry and seizure.

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 107

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

271ZD★ Clause 107, page 121, line 9, at end insert—

“(7A) A person to whom a notice of underpayment is given may also appeal to the tribunal on the grounds that the notice was issued following the unlawful or disproportionate exercise of enforcement powers.

(7B) Where the tribunal finds that enforcement powers were exercised unlawfully or disproportionately, it may order the cancellation or variation of the notice and may award such compensation as it considers just and equitable.”

Member's explanatory statement

This amendment seeks to expand the grounds on which enforcement notices may be appealed, allowing the tribunal to consider whether enforcement officers acted unlawfully or disproportionately.

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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 271D★** Clause 113, page 124, line 31, at end insert, “and the worker has provided written consent to the Secretary of State to bring proceedings on their behalf,”

Member's explanatory statement

This amendment requires the worker's informed consent before the Secretary of State can initiate legal action, preserving individual autonomy and control over personal legal matters.

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

- 272ZZA★** Clause 113, page 124, line 33, at end insert—

- “(1A) The Secretary of State must give the worker written notice of their intention to bring proceedings and provide the worker with a period of 28 days to object in writing.
- (1B) If the worker objects within that period, no proceedings may be brought under this section.”

Member's explanatory statement

This amendment provides a formal opt-out mechanism and protects against state action contrary to the worker's wishes.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 272ZZB★** Clause 113, page 124, line 33, at end insert—

- “(1A) In exercising powers under this section, the Secretary of State must not use, disclose, or rely upon any confidential information, including legally privileged material, without the worker's express written authorisation.”

Member's explanatory statement

This amendment protects the worker's data privacy and legal confidentiality.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

272ZZC★ Clause 113, page 124, line 33, at end insert –

- “(1A) In bringing proceedings under this section, the Secretary of State must act in the best interests of the worker and must have regard to –
- (a) the worker's stated objectives,
 - (b) the potential effect of proceedings on the worker's current or future employment, and
 - (c) the proportionality of bringing proceedings on the worker's behalf.”

Member's explanatory statement

This amendment imposes a legal obligation to act in the worker's best interests.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

272ZZD★ Clause 113, page 125, line 8, at end insert –

- “(3A) The worker may at any time elect to take over the proceedings or be represented in them, and the Secretary of State must take steps to accommodate this.”

Member's explanatory statement

This amendment ensures that control of the case can revert to the worker and gives them standing to influence proceedings.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

272ZZE★ Clause 113, page 125, line 19, at end insert “unless the act or omission –

- (a) was unlawful,
- (b) involved gross negligence,
- (c) resulted in a breach of the worker's statutory rights, or
- (d) caused material detriment to the worker that could reasonably have been foreseen.”

Member's explanatory statement

This amendment removes blanket immunity and introduces accountability. It ensures the Secretary of State may be held liable for unlawful conduct, gross negligence, rights violations, or foreseeably harmful actions when bringing legal claims on a worker's behalf.

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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

272ZB★ Clause 113, page 125, line 19, at end insert –

“(6A) The Secretary of State may not bring proceedings under this section unless it is in the public interest for the Secretary of State to pursue it.”

Member's explanatory statement

This amendment introduces a public interest test to prevent frivolous or politically motivated litigation.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

272ZC★ Clause 113, page 125, line 19, at end insert –

“(6A) The Secretary of State may not exercise the power under this section unless there is no other viable route to justice for the worker.”

Member's explanatory statement

This amendment prevents unnecessary state intervention where more appropriate or less intrusive channels are available to assist the worker.

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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

272AA★ Clause 113, page 125, line 30, at end insert –

- “(8) The Secretary of State must publish an annual report setting out –
- (a) the number of proceedings brought under this section,
 - (b) the types of claims pursued,
 - (c) outcomes of those claims, and
 - (d) any costs recovered or awards secured for workers.”

Member's explanatory statement

This amendment sets out a requirement for transparency and public accountability for the use of these state powers.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

272AB★ Clause 113, page 125, line 30, at end insert –

- “(8) This section shall cease to have effect at the end of the Parliament following that in which this Act is passed, unless continued in force by an Act of Parliament.
- (9) Before the end of the Parliament following that in which this Act is passed, the Secretary of State must commission an independent review of the operation and impact of this section, and lay the report of that review before both Houses of Parliament.”

Member's explanatory statement

This amendment ensures the power for the Secretary of State to initiate employment tribunal proceedings in place of workers expires at the end of the next Parliament.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

272AC★ Clause 113, page 125, line 30, at end insert –

- “(8) The power under this section may not be exercised by an enforcement officer unless –
- (a) the Secretary of State has expressly delegated the power in writing,
 - (b) the enforcement officer has received training in employment tribunal procedures, and
 - (c) the worker concerned has given written consent to the enforcement officer acting on their behalf.”

Member's explanatory statement

This amendment limits the ability of enforcement officers to act independently of ministerial oversight by requiring written delegation, formal training and the express consent of the worker.

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 COFFEY

The above-named Lords give notice of their 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”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 273BA** Clause 117, page 127, line 25, at end insert “, and is in the public interest”

Member's explanatory statement

This amendment seeks to ensure that labour market enforcement undertakings are requested only where there is a public interest in doing so.

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”

After Clause 131

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

273LA★ After Clause 131, insert the following new Clause –

“Prohibition on use of force

An enforcement officer may not use or authorise the use of force in the course of carrying out any function under this Part.”

Member's explanatory statement

This amendment prevents enforcement officers from exercising physical coercion, which is not appropriate for non-police officials.

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.

Clause 134

BARONESS COFFEY

★

Baroness Coffey gives notice of her intention to oppose the Question that Clause 134 stand part of the Bill.

After Clause 135

BARONESS HAMWEE
LORD WATSON OF INVERGOWRIE
LORD PADDICK
THE LORD BISHOP OF LONDON

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.

After Clause 146

LORD CARTER OF HASLEMERE

279ZZA★ After Clause 146, insert the following new Clause —

“Enforcement officers: inspection and accountability

- (1) Enforcement officers exercising powers under the Police and Criminal Evidence Act 1984 by virtue of section 114B of that Act (Application of Act to labour abuse prevention officers) shall be subject to —
 - (a) an annual inspection by His Majesty’s Inspectorate of Constabulary and Fire and Rescue Services which shall include investigation of whether —
 - (i) sufficient numbers of officers have been trained to use the powers appropriately,
 - (ii) enforcement officers act fairly and use powers only where necessary,
 - (iii) appropriate supervision and governance arrangements are in place, and
 - (iv) enforcement officers are operationally independent from the Secretary of State in the way they exercise their enforcement functions, and
 - (b) the same complaints and misconduct arrangements as applied to the Gangmasters and Labour Abuse Authority under the Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017, and the Secretary of State may modify those Regulations by Statutory Instrument subject to the affirmative resolution procedure, to incorporate provision on enforcement officers, after consulting the Independent Police Complaints Commission and such other persons as the Secretary of State thinks fit.
- (2) Enforcement officers exercising powers under Part 5 of this Act shall be subject to the same governance and accountability arrangements as applied to the Gangmasters and Labour Abuse Authority under its Framework Agreement with the Home Office, and a Framework Document setting out those arrangements must be published when Part 5 of this Act comes into force.”

Member's explanatory statement

This amendment ensures that enforcement officers (a) exercising police powers, will be subject to annual inspection and subject to appropriate complaints and misconduct arrangements, and (b) exercising other enforcement powers, will be subject to appropriate governance and accountability arrangements.

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 SHARPE OF EPSOM
LORD HUNT OF WIRRAL

279GA★ Clause 149, page 147, line 16, at end insert –

- “(2) Subject to subsection (3), this section is repealed three years after the day on which it comes into force.
- (3) The Secretary of State may, following a full independent review of the operational impact of the section on tribunal efficiency and access to justice, by regulations made by statutory instrument provide that the provisions of this section are not repealed in accordance with this section but shall continue in force indefinitely.

- (4) The regulations in subsection (3) are subject to the affirmative resolution procedure.”

Member's explanatory statement

This amendment introduces a sunset clause to ensure that the extension of time limits for bringing employment tribunal claims is subject to periodic parliamentary oversight.

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.”

Member's explanatory statement

This amendment establishes an independent review board to monitor the real-world impact of employment reforms on cultural institutions through annual assessments and policy recommendations, ensuring that new regulations can be adjusted if they lead to unintended consequences such as job losses or organisational closures.

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.”

Member's explanatory statement

This amendment introduces temporary waivers and staggered enforcement mechanisms for small and independent cultural organisations facing financial hardship, providing grace periods, conditional exemptions, and progressive support to prevent closures while ensuring employment protections are eventually implemented.

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.”

Member's explanatory statement

This amendment creates a dedicated ministerial position responsible for managing the impact of employment legislation on freelancers and creative professionals, ensuring sector-specific advocacy, government liaison, and oversight of a national strategy for creative workforce sustainability

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.”

Member's explanatory statement

This amendment mandates the government to assess the financial impact of new employment protections 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 (“Definition of “freelancer”).
- (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
BARONESS LAWLOR

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
BARONESS LAWLOR

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
BARONESS LAWLOR

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
BARONESS LAWLOR

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
BARONESS LAWLOR

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
BARONESS LAWLOR

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
BARONESS LAWLOR

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.

LORD NORTON OF LOUTH

323C After Clause 150, insert the following new Clause –

“Review of the Act

- (1) The Secretary of State must –
 - (a) carry out a review of the operation and effect of this Act,
 - (b) set out the conclusions of the review in a report,
 - (c) publish the report, and
 - (d) lay a copy of the report before Parliament.
- (2) The report must be published before the end of the period of five years beginning with the day on which this Act is passed.
- (3) The report must, in particular –
 - (a) assess the extent to which the objectives intended to be achieved by this Act have been achieved, and
 - (b) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved more effectively in any other way.
- (4) In carrying out the review, the Secretary of State must publish an invitation for interested parties to make submissions on the operation of the Act.”

BARONESS LAWLOR

323D After Clause 150, insert the following new Clause –

“Impact Assessment

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish an assessment of its impact on the public sector, stating the costs of implementation, the number of claims made, the number of cases, the number of claims settled or proceeding to tribunal and the overall cost to the public sector in respect of the provisions of this Act.
- (2) Such an assessment should cover those employed in the public sector and other employees paid from public funds directly or in respect of agency charges.”

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 153LORD 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

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 SHARPE OF EPSOM

LORD HUNT OF WIRRAL

330D★ Clause 156, page 151, line 2, at end insert —

“(2A) Section 149 (Increase for time limits in making claims) may only be commenced after the Senior President of Tribunals has certified to the Secretary of State that the Employment Tribunal system has sufficient capacity to accommodate the expected increase in caseloads without materially affecting average hearing times.”

Member's explanatory statement

This amendment prevents the commencement of Clause 149 – which extends time limits for employment tribunal claims – until the Senior President of Tribunals certifies to the Secretary of State that the tribunal system has adequate capacity to manage the anticipated increase in caseloads.

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.”

Member's explanatory statement

This amendment introduces a phased implementation of employment rights for arts and cultural organisations, providing tiered timelines based on organisational size and financial capacity, exemptions for institutions in financial distress, and transition support services to prevent sudden financial shocks that could lead to job cuts or programme reductions.

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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

334A★ Clause 156, page 153, line 2, at end insert —

“(2A) Section 149 (Increase for time limits in making claims) may not come into force until the Secretary of State has laid before Parliament a report assessing the impact of the increased time limits on employment tribunal caseloads and has set out additional measures to mitigate any expected delays.”

Member's explanatory statement

This amendment ensures implementation only occurs once the tribunal system is demonstrably ready.

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

12 June 2025

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS