

Employment Rights Bill

ELEVENTH 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 150

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.”

LORD BERKELEY

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

“Substitution clauses and the definition of “worker” in app-based work

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) After section 207B, insert –

“Substitution

207C Prohibition of substitution clauses in platform-based logistics work

- (1) A relevant company must not include a clause in its contractor agreements that permits substitution in the performance of services, unless –
 - (a) the company can demonstrate that such substitution is operationally viable and genuinely offered to all contractors, and
 - (b) the identity of any substitute is subject to the same training, vetting and approval standards as a directly contracted individual.
- (2) A clause purporting to allow substitution that fails to meet the criteria in subsection (1) shall be unenforceable and void, and the individual shall be treated as a worker under section 230(3).
- (3) In this section –

“dependent contractor” means a person who –

- (a) performs services arranged through the company's platform;
 - (b) is paid per task or service delivered;
 - (c) is not classified as an employee or worker by the company;
- "relevant company" means a company that—
 - (a) provides services in relation to food and beverage delivery, postal and courier operations, or private hire transport via a digital or app-based platform, and
 - (b) engages more than 250 workers or dependent contractors globally.
- (4) A clause purporting to allow substitution that fails to meet the criteria in subsection (1) shall be unenforceable and void, and the individual shall be treated as a worker under section 230(3)."
- (3) In section 230 (employees and workers), after subsection (3), insert—
 - "(3A) For the purposes of subsection (3)(b), a requirement to perform work personally shall be deemed to exist unless the right to substitute—
 - (a) is genuine, exercised in practice, and not fettered by contractual or practical limitations imposed by the contracting entity,
 - (b) is not subject to prior approval or vetting by the company, either directly or indirectly, and
 - (c) forms a meaningful part of the way in which services are actually delivered.
 - (3B) Where the work involves the use of a digital platform to allocate real-time, location-based tasks in sectors including—
 - (a) food and beverage delivery,
 - (b) postal and courier services, and
 - (c) taxi and private hire operations,
 any contractual clause purporting to allow for substitution shall be treated as void and of no effect, unless the company can demonstrate that the right of substitution is genuine, practical, and routinely exercised.
 - (3C) A substitution clause in a contract for services of the type described in subsection (3B) shall not, by itself, be sufficient to establish that an individual is not a worker."

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

BARONESS COFFEY

324A Clause 151, page 147, line 31, leave out subsection (2)

BARONESS COFFEY

324B Clause 151, page 148, line 6, leave out paragraph (d)

BARONESS COFFEY

324C Clause 151, page 148, line 9, leave out “negative” and insert “affirmative”

LORD HUNT OF WIRRAL

Lord Hunt of Wirral gives notice of his intention to oppose the Question that Clause 151 stand part of the Bill.

Clause 153

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

325 Clause 153, page 148, line 31, at end insert—

- “(3A) The Secretary of State must have regard to the following objectives when making any regulations under this Act—
- (a) the international competitiveness of the economy of the United Kingdom, and
 - (b) its growth in the medium to long term.”

Member's explanatory statement

This amendment would require the Secretary of State to have regard to the objective of the international competitiveness of the economy and its growth in the medium to long term when making any regulations under the Act.

LORD CARTER OF HASLEMERE

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

“(8) Regulations which would amend primary legislation may not be laid before Parliament unless an assessment of the impact of the regulation has been laid before Parliament and three months has elapsed from the date of the impact assessment being laid.”

BARONESS PENN
LORD VAUX OF HARROWDEN
BARONESS NEVILLE-ROLFE

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

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

Member's explanatory statement

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

Clause 154

BARONESS COFFEY

326B Clause 154, page 149, line 25, leave out “or by a government department”

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 LEIGH OF HURLEY

329A Clause 156, page 150, line 12, leave out subsections (1) to (4) and insert—

- “(1) This section comes into force on the day on which this Act is passed.

- (2) The remainder of this Act may not come into force until the Secretary of State has consulted with small and medium sized enterprises and their representatives on the potential impacts of this Act.
- (3) For the purposes of this section, small and medium sized enterprises are defined as according to the Procurement Act 2023.
- (4) The representatives under subsection (2) are the —
 - (a) British Chambers of Commerce,
 - (b) Institute of Directors,
 - (c) Confederation of British Industry,
 - (d) British Retail Consortium,
 - (e) Federation of Small Businesses, and
 - (f) Entrepreneurs Network.”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

329B Clause 156, page 150, line 12, leave out subsections (1) to (4) and insert —

- “(1) This section comes into force on the day on which this Act is passed.
- (2) The rest of this Act comes into force when the Secretary of State lays before Parliament a comprehensive impact assessment of any regulatory burden, financial costs, and practical effects on employers and employees arising from this Act.”

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 LEIGH OF HURLEY

330BA Clause 156, page 150, line 18, leave out paragraphs (a) to (c)

Member's explanatory statement

This amendment (and another in the name of Lord Leigh of Hurley) seeks to delay the commencement of provision relating to political funds until the Secretary of State has laid a comprehensive impact assessment before Parliament which addresses any risks, such as misuse and lack of transparency.

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 LEIGH OF HURLEY

330E Clause 156, page 151, line 2, at end insert –

“(2A) Sections 58, 59 and 60 (trade union finances) come into force no earlier than the end of the period of two months beginning with the day on which this Act has passed and when the Secretary of State has –

- (a) commissioned and laid before Parliament a comprehensive impact assessment of sections 58, 59 and 60, including any risks of misuse or lack of transparency in the use of political funds,
- (b) published a plan setting out specific measures to ensure transparency, member consent, and safeguards against corruption or misuse of political funds, and

- (c) laid before Parliament a written ministerial statement specifying oversight and audit mechanisms that will govern political funds made by virtue of this Act.”

Member's explanatory statement

This amendment (and another in the name of Lord Leigh of Hurley) seeks to delay the commencement of provision relating to political funds until the Secretary of State has laid a comprehensive impact assessment before Parliament which addresses any risks, such as misuse and lack of transparency.

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

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

20 June 2025

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