

Employment Rights Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
30 June 2025*

[Amendments marked ★ are new or have been altered]

Clause 1

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 1, page 2, line 8, leave out “be offered” and insert “request”

Member's explanatory statement

This amendment changes the provisions in the Bill from a requirement for an employer to offer guaranteed hours to a right to request guaranteed hours by an employee.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 1, page 2, line 10, leave out from “27BB” to end of line 14 and insert “if the worker requests it”

Member's explanatory statement

This amendment changes the provisions in the Bill from a requirement for an employer to offer guaranteed hours to a right to request guaranteed hours by an employee.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 1, page 3, line 21, leave out “with the specified day” and insert “26 weeks after the day on which the period began”

Member's explanatory statement

This amendment would set the initial reference period for the right to guaranteed hours to 26 weeks.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 1, page 3, line 23, leave out “beginning and ending with the specified days” and insert “of 26 weeks”

Member's explanatory statement

This amendment would set the initial reference period for the right to guaranteed hours to 26 weeks.

After Clause 17

LORD PALMER OF CHILDS HILL

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After Clause 17, insert the following new Clause –

“Kinship care leave

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) After section 80EI insert –

“CHAPTER 5A

KINSHIP CARE LEAVE

80EJ Kinship care leave

- (1) The Secretary of State must make regulations entitling an employee to be absent from work on leave under this section if the employee satisfies conditions specified in the regulations as to an eligible kinship care arrangement with a child.
- (2) The regulations must include provision for determining –
 - (a) the extent of an employee’s entitlement to leave under this section in respect of a child;
 - (b) when leave under this section may be taken.
- (3) Provision under subsection (2)(a) must secure that –
 - (a) where only one employee is entitled to leave under this section in respect of a given child, the employee is entitled to at least 52 weeks’ leave;
 - (b) where more than one employee is entitled to leave under this section in respect of the same child, those employees are entitled to share at least 52 weeks’ leave between them.
- (4) An employee is entitled to leave under this section only if the eligible kinship care arrangement is intended to last –
 - (a) at least one year, and
 - (b) until the child being cared for attains the age of 18.

- (5) For the purposes of this Chapter, “eligible kinship care arrangement” means —
 - (a) special guardianship,
 - (b) a kinship child arrangement,
 - (c) a private fostering arrangement, or
 - (d) a private family arrangement,within the meaning given by section (*Meaning of “kinship care”*) of the Employment Rights Act 2025.
- (6) The regulations may make provision about how leave under this section is to be taken.
- (7) In this section —
 - (a) “special guardianship”, “kinship child arrangement”, “private fostering arrangement” and “private family arrangement” have the same meanings as in section (*Meaning of “kinship care”*) of the Employment Rights Act 2025.
 - (b) “week” means any period of seven days.

80EK Rights during and after kinship care leave

- (1) Regulations under section 80EJ must provide —
 - (a) that an employee who is absent on leave under that section is entitled, for such purposes and to such extent as the regulations may prescribe, to the benefit of the terms and conditions of employment which would have applied but for the absence,
 - (b) that an employee who is absent on leave under that section is bound, for such purposes and to such extent as the regulations may prescribe, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1) of that section), and
 - (c) that an employee who is absent on leave under that section is entitled to return from leave to a job of a kind prescribed by regulations, subject to section 80EL.
- (2) The reference in subsection (1)(c) to absence on leave under section 80EJ includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under that section and partly to any one or more of the following —
 - (a) maternity leave;
 - (b) paternity leave;
 - (c) adoption leave;
 - (d) shared parental leave;
 - (e) parental leave;
 - (f) parental bereavement leave.
- (3) In subsection (1)(a), “terms and conditions of employment” —

- (a) includes matters connected with an employee's employment whether or not they arise under the contract of employment, but
 - (b) does not include terms and conditions about remuneration.
- (4) Regulations under section 80EJ may specify matters which are, or are not, to be treated as remuneration for the purposes of this section.
- (5) Regulations under section 80EJ may make provision, in relation to the right to return mentioned in subsection (1)(c), about –
 - (a) seniority, pension rights and similar rights;
 - (b) terms and conditions of employment on return.

80EL Special cases

- (1) Regulations under section 80EJ may make provision about –
 - (a) redundancy during or after a period of leave under that section, or
 - (b) dismissal (other than by reason of redundancy) during a period of leave under that section.
- (2) Provision by virtue of subsection (1) may include –
 - (a) provision requiring an employer to offer alternative employment;
 - (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part 10).

80EM Chapter 5A: supplemental

- (1) Regulations under section 80EJ may –
 - (a) make provision about notices to be given, evidence to be produced and other procedures to be followed by employees and employers;
 - (b) make provision requiring employers or employees to keep records;
 - (c) make provision for the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;
 - (d) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);
 - (e) make special provision for cases where an employee has a right which corresponds to a right under section 80EJ and which arises under the person's contract of employment or otherwise;
 - (f) make provision modifying the effect of Chapter 2 of Part 14 (calculation of a week's pay) in relation to an employee who is or has been absent from work on leave under section 80EJ;
 - (g) make provision applying, modifying or excluding an enactment, in such circumstances as may be specified and subject to any conditions which may be specified, in relation to a person entitled to take leave under section 80EJ;
 - (h) make different provision for different cases or circumstances;

- (i) make consequential provision.
- (2) The cases or circumstances mentioned in subsection (1)(h) include—
 - (a) more than one child being subject to the same eligible kinship care arrangement, and
 - (b) a child being subject to an eligible kinship care arrangement on two or more separate occasions,and regulations may, in particular, make special provision regarding the applicability and extent of the entitlement to leave in such circumstances.
- (3) The Secretary of State may by regulations make provision for some or all of a period of kinship care leave to be paid.””

Member's explanatory statement

This amendment inserts provision which sets out an entitlement to kinship care leave.

LORD PALMER OF CHILDS HILL



After Clause 17, insert the following new Clause—

“Meaning of kinship care

- (1) This section defines “kinship care” for the purposes of sections 80EF to 80EI of the Employment Rights Act 1996 (inserted by section (*Kinship care leave*) of this Act).
- (2) Kinship care describes an arrangement where a child is raised by a friend, relative or extended family member other than a parent.
- (3) Subsections (3) to (8) set out the arrangements that are recognised as being types of kinship care.
- (4) An arrangement where a child is adopted (within the meaning of Chapter 4 of the Adoption and Children Act 2002) by a friend, relative or extended family member (“kinship adoption”).
- (5) An arrangement where—
 - (a) a child is looked after by a local authority (within the meaning of section 22 of the Children Act 1989), and
 - (b) a friend, relative or extended family member of that child is approved by the local authority to be a foster carer for that child (“kinship foster care”).
- (6) An arrangement created by a special guardianship order pursuant to section 14A of the Children Act 1989 (“special guardianship”).
- (7) An arrangement created by a child arrangements order pursuant to section 8 of the Children Act 1989 where the court orders that a child is to live predominantly with a friend, relative or extended family member of that child (“kinship child arrangement”).

- (8) An arrangement where a child is fostered privately (within the meaning of section 66 of the Children Act 1989) by a friend or extended family member (“private fostering arrangement”).
- (9) Any other arrangement where a child is cared for, and provided with accommodation in their own home –
 - (a) by a relative of the child, other than –
 - (i) a parent of the child, or
 - (ii) a person who is not a parent of the child but who has parental responsibility for the child, and
 - (b) where the arrangement has lasted, or is intended to last, for at least 28 days (“private family arrangement”).

Member's explanatory statement

This new clause is linked to the new clause about kinship care leave.

Clause 23

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Leave out Clause 23 and insert –

“Right not to be unfairly dismissed: reduction of qualifying period and introduction of initial period of employment

Schedule 3 contains provision –

- (a) reducing the qualifying period of employment for unfair dismissal and introducing provisions in respect of an initial period of employment, and
- (b) making further consequential amendments.”

Member's explanatory statement

This amendment provides that the qualifying period for unfair dismissal is reduced as set out in further amendments to Schedule 3. It also provides for an initial period of employment after the qualifying period during which a modified process and different compensation limit would apply, as set out in further regulations.

Clause 26

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 26, page 46, line 30, at end insert –

- “(3A) Subsection (1) does not apply if the variation concerns the employee’s place of work and section 139(1)(a) (ii) or 139(1)(b)(ii) (redundancy: ceasing to carry on business) applies.”

Member's explanatory statement

This amendment clarifies that dismissals amounting to a place of work redundancy are not to be treated as automatically unfair.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 26, page 47, line 34, after “with” insert “subsection (3A) and”

Member's explanatory statement

This amendment clarifies that dismissals amounting to a place of work redundancy are not to be treated as automatically unfair.

After Clause 26

BARONESS NOAKES

★

After Clause 26, insert the following new Clause —

“Part 1 exemptions

- (1) The Secretary of State may by regulations specify that specified categories of person shall be exempt in whole or in part from all or any of the provisions of Part 1 of this Act.
- (2) Regulations may provide that exemptions apply for a specified period of time.
- (3) The categories of person exempted by regulations may be defined by the activities which they carry out, their size, their legal status or in any other way that the Secretary of State considers appropriate.
- (4) Regulations made under this section are subject to the affirmative procedure.”

Clause 65

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Clause 65, page 96, line 23, leave out subsection (2)

Member's explanatory statement

This probing amendment would reinstate the 50% threshold requirement for industrial action to be voted on by a trade union and seeks to probe whether the Government perceives a risk to the democratic integrity of trade union ballots for industrial action as a result of the provisions to remove the 50% requirement.

Clause 113

LORD CARTER OF HASLEMERE
LORD SHARPE OF EPSOM

Leave out Clause 113

After Clause 150

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

After Clause 150, insert the following new Clause –

“Disapplication for businesses with fewer than 50 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 50 employees.”

Member's explanatory statement

This amendment seeks to disapply specific provisions of the Bill for businesses with fewer than 50 employees.

THE EARL OF CLANCARTY
LORD FREYBERG
LORD CLEMENT-JONES
VISCOUNT COLVILLE OF CULROSS

Revised version of the amendment published on 26 June

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,
 - (e) identifying issues and finding solutions to challenges faced by freelance workers as a result of provisions in this Act, and
 - (f) ensuring that the duty to consider the freelancer workforce under section 230A of the Employment Rights Act 1996 (*Duty to consider freelancer workforce*) is discharged properly.
- (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) For this purpose of this section, a freelancer is defined according to section 230A of the Employment Rights Act 1996 (*Definition of “freelancer”*)
- (9) 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 CLEMENT-JONES
THE EARL OF CLANCARTY
LORD FREYBERG

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 definition of a freelancer.

LORD CLEMENT-JONES
THE EARL OF CLANCARTY
LORD FREYBERG

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.
- (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 FREYBERG
THE EARL OF CLANCARTY
LORD CLEMENT-JONES

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 FREYBERG
THE EARL OF CLANCARTY
LORD CLEMENT-JONES

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

After Clause 150, insert the following new Clause –

“Ministerial responsibility for managing the impact of this Act on freelancers

- (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.
- (2) The Minister appointed by virtue of subsection (1) 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,
 - (c) regularly engaging with sectors with high proportions of freelance workers about the application of provisions of this Act,
 - (d) gathering and analysing data about the freelance workforce,
 - (e) identifying issues and finding solutions to challenges faced by freelance workers as a result of provisions in this Act,
 - (f) assessing the need for changes to employment rights for freelance workers, and
 - (g) ensuring that 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, have due regard to the specific needs and circumstances of the freelancer workforce.

- (3) In carrying out the responsibilities set out in subsection (2), the Minister must consult frequently with freelancers and representatives of relevant industries.
- (4) The Minister must publish an annual report on the discharge of their functions set out in subsection (2) and lay this report before Parliament.
- (5) For the purposes of this section, 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.
- (6) The Secretary of State may, by regulations subject to the negative procedure, 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 creates a dedicated ministerial position responsible for managing the impact of employment legislation on freelancers and makes provisions for relevant duties and responsibilities.

Schedule 3

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 194, line 24, leave out paragraphs 1 and 2 and insert—

- “1 Section 108 of the Employment Rights Act 1996 (qualifying period of employment) is amended as follows—
- (a) in subsection (1) omit “two years” and insert “six months”;
 - (b) after subsection (5), insert—
 - “(6) Subsection (1) does not apply if section 4(3)(b) of the Rehabilitation of Offenders Act 1974 (read with any order made under section 4(4) of that Act) applies.””

Member's explanatory statement

This amendment reduces the qualifying period for unfair dismissal from two years to six months, leaving in place the existing exceptions to that qualifying period in section 108(3) of the Employment Rights Act and adding a new exception in relation to spent convictions.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 196, line 33, leave out “on or before the last day of” and insert “during”

Member's explanatory statement

This amendment is consequential on another in the name of Lord Sharpe of Epsom which provides that the initial period of employment begins after the qualifying period for unfair dismissal.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 197, line 31, leave out from beginning to end of line 2 on page 198

Member's explanatory statement

This amendment provides that the initial period of employment begins after the qualifying period for unfair dismissal.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 198, line 10, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment provides that the initial period of employment begins after the qualifying period for unfair dismissal.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 198, line 20, after “occurs” insert “before the employee has been continuously employed for the period set out in section 108(1) or”

Member's explanatory statement

This amendment provides that an employee is not entitled to a written statement of reasons for dismissal if the employee is dismissed during either the qualifying period for unfair dismissal or the initial period of employment.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 198, line 27, after “substitute” insert “she has been continuously employed for any period or”

Member's explanatory statement

This amendment is consequential on other amendments to Schedule 3 by Lord Sharpe of Epsom and provides that an employee is entitled to a written statement of reasons for dismissal if dismissed when pregnant or on maternity leave, regardless of length of service.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 198, line 30, after “substitute” insert “he has been continuously employed for any period or”

Member's explanatory statement

This amendment is consequential on other amendments to Schedule 3 tabled by Lord Sharpe of Epsom and provides that an employee is entitled to a written statement of reasons for dismissal if dismissed when on adoption leave, regardless of length of service.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 198, line 32, leave out sub-paragraphs (3) and (4)

Member's explanatory statement

These amendments are consequential on others to Schedule 3 in the name of Lord Sharpe of Epsom.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 198, line 39, leave out sub-paragraphs (6) to (10)

Member's explanatory statement

These amendments are consequential on others to Schedule 3 in the name of Lord Sharpe of Epsom.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 199, line 12, leave out paragraph 7

Member's explanatory statement

These amendments are consequential on other amendments to Schedule 3 in the name of Lord Sharpe of Epsom.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 199, line 22, leave out sub-paragraph (2)

Member's explanatory statement

These amendments are consequential on other amendments to Schedule 3 in the name of Lord Sharpe of Epsom.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 199, line 38, leave out paragraphs (b) to (d)

Member's explanatory statement

These amendments are consequential on other amendments to Schedule 3 in the name of Lord Sharpe of Epson.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 200, line 1, leave out paragraph 11

Member's explanatory statement

These amendments are consequential other amendments to for Schedule 3 in the name of Lord Sharpe of Epson.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Schedule 3, page 200, leave out lines 11 to 22

Member's explanatory statement

These amendments are consequential on other amendments to Schedule 3 in the name of Lord Sharpe of Epson.

Employment Rights Bill

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
30 June 2025*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS