

Employment Rights Bill

SECOND MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON REPORT

The amendments have been marshalled in accordance with the Instruction of 2nd July 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.**

Clause 23

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD VAUX OF HARROWDEN

49 Leave out Clause 23 and insert the following new Clause –

**“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.

LORD VAUX OF HARROWDEN

50 Leave out Clause 23 and insert the following new Clause –

“Right not to be unfairly dismissed: reduction of qualifying period etc

Schedule 3 contains provision –

- (a) amending section 108 of the Employment Rights Act 1996 (unfair dismissal: qualifying period of employment), and
- (b) making further consequential amendment.”

Member's explanatory statement

This amendment, along with an amendment to Schedule 3 tabled by Lord Vaux of Harrowden, would reduce the length of the qualifying period during which an employee may not claim unfair dismissal other than for certain specific reasons from two years to six months.

Schedule 3

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
BARONESS NEVILLE-ROLFE
LORD VAUX OF HARROWDEN

51 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.

BARONESS JONES OF WHITCHURCH

52 Schedule 3, page 195, line 16, for “(3)” substitute “(5)”

Member's explanatory statement

This amendment corrects a cross-reference.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 53 Schedule 3, page 196, line 29, after “employment” insert “beginning with the day after the employee has been continuously employed for the period set out in section 108(1) of the Employment Rights Act 1996”

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

- 54 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

- 55 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

- 56 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

- 57 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

- 58 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

- 59 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

- 60 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

- 61 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

62 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

63 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

64 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 Epsom.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

65 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 Epsom.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

66 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 Epsom.

LORD VAUX OF HARROWDEN

67 Leave out Schedule 3 and insert the following new Schedule –

“SCHEDULE 3

Section 23

RIGHT NOT TO BE UNFAIRLY DISMISSED: REDUCTION OF QUALIFYING PERIOD, ETC

- 1 In section 92(3) of the Employment Rights Act 1996 (right to written statement of reasons for dismissal) omit “two years” and insert “six months”.
- 2 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) In subsection (2) omit “two years” and insert “six months”.

Member's explanatory statement

This amendment, along with an amendment to Clause 23 tabled by Lord Vaux of Harrowden would reduce the length of the qualifying period during which an employee may not claim unfair dismissal other than for certain specific reasons for two years to six months.

Clause 26

BARONESS JONES OF WHITCHURCH

68 Clause 26, page 46, line 14, leave out “and” and insert “to”

Member's explanatory statement

This amendment is consequential on my other amendments of clause 26.

BARONESS JONES OF WHITCHURCH

69 Clause 26, page 46, line 25, after “employment” insert “to make a restricted variation (see subsection (3B))”

Member's explanatory statement

This amendment and other amendments of clause 26 would limit new section 104I(1) of the Employment Rights Act 1996 to cases where the variation of the contract of employment was of a particular kind. This includes reductions in an employee's pay or time off and changes to the number of hours an employee is required to work.

BARONESS JONES OF WHITCHURCH

70 Clause 26, page 46, line 26, leave out from “employee” to end of line and insert “–

- (i) did not agree to the restricted variation, or
- (ii) where the employer sought to make more than one variation, did not agree to a number of variations that included the restricted variation.”

Member's explanatory statement

See the explanatory statement for my amendment at page 46, line 25.

BARONESS JONES OF WHITCHURCH

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

- “(3A) For the purposes of subsection (3), a contract of employment is a “varied” contract of employment if –
- (a) the terms of the contract are not the same as the terms of the contract of employment under which the employee worked before being dismissed, and
 - (b) one or more of the differences between the two sets of terms constitutes a restricted variation (see subsection (3B));
- and, in a case where subsection (3) applies, any reference in this section to the restricted variation is to be read accordingly.”

Member's explanatory statement

See the explanatory statement for my amendment at page 46, line 25.

BARONESS JONES OF WHITCHURCH

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

- “(3B) In this section “restricted variation” means any of the following –
- (a) a reduction of, or removal of an entitlement to, any sum payable to an employee in connection with the employment (but see subsection (3C));
 - (b) where the amount of any sum payable to an employee in connection with the employment is determined by reference to a measure of the amount of work done by the employee (including a measure referable to results achieved by the employee), a variation of that measure;
 - (c) a variation of any term or condition relating to pensions or pension schemes;
 - (d) a variation of the number of hours which an employee is required to work;
 - (e) a variation of the timing or duration of a shift which meets such conditions as may be specified in regulations made by the Secretary of State;
 - (f) a reduction in the amount of time off which an employee is entitled to take;
 - (g) a variation of a description specified in regulations made by the Secretary of State;
 - (h) the inclusion in a contract of employment of a term enabling the employer to make any variation within any of the preceding paragraphs without the employee’s agreement.

- (3C) The Secretary of State may by regulations provide that a reference in subsection (3B) to a sum payable to an employee in connection with the employment does not include a reference to –
- (a) a sum payable in respect of –
 - (i) any expenses incurred by an employee;
 - (ii) any expenses of a specified description incurred by an employee;
 - (iii) any expenses incurred by an employee other than expenses of a specified description;
 - (b) a payment or benefit in kind, a payment or benefit in kind of a specified description, or a payment or benefit in kind other than one of a specified description.

In this subsection “specified” means specified in the regulations.”

Member's explanatory statement

See the explanatory statement for my amendment at page 46, line 25.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

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

- “(3A) Subsection (1) does not apply in relation to an employee if the employer shows that the variation would not result in a reduction of the employee’s pay and benefits.”

Member's explanatory statement

This amendment seeks to ensure that dismissal after a refusal to accept a variation cannot be considered unfair if the variation does not entail reduced pay and benefits.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

74 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 GODDARD OF STOCKPORT

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

- “(3A) Subsections (2) and (3) do not apply where –

- (a) the proposed variation is minor,
- (b) the variation is not detrimental to the employee's terms and conditions, and
- (c) the variation does not relate to pay, working hours, or location of work."

Member's explanatory statement

This amendment would exclude routine and non-detrimental variations from triggering automatic unfair dismissal protections.

BARONESS JONES OF WHITCHURCH

- 76 Clause 26, page 46, line 31, at beginning insert "In the case of an employer that is not a local authority,"

Member's explanatory statement

This amendment is consequential on my amendments of clause 26 at page 46, line 36 and page 47, line 2.

BARONESS JONES OF WHITCHURCH

- 77 Clause 26, page 46, line 33, before "variation" insert "restricted"

Member's explanatory statement

See the explanatory statement for my amendment at page 46, line 25.

BARONESS JONES OF WHITCHURCH

- 78 Clause 26, page 46, line 36, leave out from "affect" to end of line 38 and insert "—
- (i) the employer's ability to carry on the business as a going concern, or
 - (ii) where the employer is a public sector employer, the financial sustainability of carrying out the employer's statutory functions,"

Member's explanatory statement

The effect of this amendment is that, for the purposes of the exception to new section 104I(1) of the Employment Rights Act 1996, a public sector employer (other than a local authority) may rely on financial difficulties that are affecting, or likely in the immediate future to affect, the financial sustainability of carrying out the employer's statutory functions.

BARONESS JONES OF WHITCHURCH

- 79 Clause 26, page 47, line 2, before "variation" insert "restricted"

Member's explanatory statement

See the explanatory statement for my amendment at page 46, line 25.

BARONESS JONES OF WHITCHURCH

80 Clause 26, page 47, line 2, at end insert –

- “(4A) In the case of an employer that is a local authority, subsection (1) does not apply in relation to an employee if –
- (a) at the time of the dismissal, a relevant intervention direction has effect in relation to the authority,
 - (b) the relevant intervention direction –
 - (i) specifies that the reason, or one of the reasons, for the giving of the direction is that the authority is undergoing financial difficulties, and
 - (ii) contains provision relating to the financial management or financial governance of the authority, and
 - (c) the authority shows that –
 - (i) the reason for the restricted variation was to eliminate or significantly reduce, or significantly mitigate the effect of, any of the financial difficulties referred to in paragraph (b)(i), and
 - (ii) in all the circumstances the authority could not reasonably have avoided the need to make the restricted variation.
- (4B) In determining whether –
- (a) in the case of a public sector employer (other than a local authority), subsection (4)(b) is met, or
 - (b) in the case of a local authority, subsection (4A)(c)(ii) is met,
- an employment tribunal must apply the same principles as would be applied by a court on an application for judicial review.”

Member's explanatory statement

This amendment provides that the exception for employers undergoing financial difficulties applies to a local authority only if a “relevant intervention direction” has effect in relation to it. It also makes provision about how an employment tribunal should decide whether a public sector employer (including a local authority) could not reasonably have avoided the need to make the variation.

BARONESS JONES OF WHITCHURCH

81 Clause 26, page 47, line 4, after “met,” insert “or (where the employer is a local authority) the conditions in paragraphs (a), (b) and (c) of subsection (4A) are met,”

Member's explanatory statement

This amendment is consequential on the amendment of clause 26 at page 47, line 2 that inserts a new subsection (4A) into section 104I of the Employment Rights Act 1996.

BARONESS JONES OF WHITCHURCH

82 Clause 26, page 47, line 19, before “variation” insert “restricted”

Member's explanatory statement

See the explanatory statement for my amendment at page 46, line 25.

BARONESS JONES OF WHITCHURCH

83 Clause 26, page 47, line 21, at end insert –

“(5A) In this section –

“English local authority” means –

- (a) a county council or district council in England;
- (b) a London borough council;
- (c) the Greater London Authority;
- (d) the Council of the Isles of Scilly;
- (e) the Common Council of the City of London in its capacity as a local authority, a police authority or a port health authority;
- (f) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- (g) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;

“local authority” means –

- (a) an English local authority,
- (b) a Welsh local authority, or
- (c) a Scottish local authority;

“public sector employer” means a person that –

- (a) is wholly or mainly funded from public funds,
- (b) is under a statutory duty to carry out any functions of a public nature, and
- (c) so far as carrying out those functions, does not operate on a commercial basis;

“recognised”, in relation to a trade union, has the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992 (see section 178 of that Act);

“relevant intervention direction” means –

- (a) in the case of an English local authority, a direction under section 15(5) or (6)(a) of the Local Government Act 1999 (powers to deal with failure to comply with duties relating to best value authorities);
- (b) in the case of a Welsh local authority, a direction under section 106 or 107 of the Local Government and Elections (Wales) Act 2021 (asc 1) (intervention powers of Welsh Ministers);
- (c) in the case of a Scottish local authority, an enforcement direction under section 24 of the Local Government in Scotland Act 2003 (asp 1) relating wholly or partly to a failure

- of the authority to comply with its duties under section 1 of that Act (local authorities' duty to secure best value);
- “Scottish local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- “statutory duty” means a duty imposed by or under any enactment, including —
- (a) a Measure or Act of the National Assembly for Wales or an Act of Senedd Cymru, and
 - (b) an Act of the Scottish Parliament;
- “statutory functions”, in relation to a public sector employer, means functions of a public nature which the employer is under a statutory duty to carry out;
- “Welsh local authority” means —
- (a) a county council or county borough council in Wales;
 - (b) a corporate joint committee established under Part 5 of the Local Government and Elections (Wales) Act 2021.”

Member's explanatory statement

This amendment inserts a number of definitions that are needed for the purposes of section 104I of the Employment Rights Act 1996, as amended by my other amendments of clause 26.

BARONESS JONES OF WHITCHURCH

84 Clause 26, page 47, line 21, at end insert —

- “(5A) The reference in subsection (4A)(a) to a relevant intervention direction includes a relevant intervention direction given before the day on which the Employment Rights Act 2025 was passed.”

Member's explanatory statement

This amendment makes it clear that, for the purposes of subsection (4A)(a) of new section 104I of the Employment Rights Act 1996, it does not matter if the relevant intervention direction was given before the day on which the Employment Rights Bill receives Royal Assent.

BARONESS JONES OF WHITCHURCH

85 Clause 26, page 47, leave out lines 22 to 31

Member's explanatory statement

This amendment is consequential on my other amendments of clause 26.

BARONESS JONES OF WHITCHURCH

86 Clause 26, page 47, line 31, at end insert —

“104J Contracts of employment: variations that are not restricted variations

- (1) This section applies to the dismissal of an employee if —

- (a) the employee was employed for the purposes of a business carried on by the employer, and
 - (b) the reason (or, if more than one, the principal reason) for the dismissal is a reason within subsection (2) or (3).
- (2) The reason within this subsection is that –
 - (a) the employer sought to vary the employee’s contract of employment,
 - (b) the variation was not a restricted variation or, where the employer sought to make more than one variation, none of the variations was a restricted variation, and
 - (c) the employee did not agree to the variation.
- (3) The reason within this subsection is to enable the employer to employ another person, or to re-engage the employee, under a varied contract of employment to carry out the same duties, or substantially the same duties, as the employee carried out before being dismissed.
- (4) For the purposes of subsection (3), a contract of employment is a “varied” contract of employment if –
 - (a) the terms of the contract are not the same as the terms of the contract of employment under which the employee worked before being dismissed, and
 - (b) none of the differences between the two sets of terms constitutes a restricted variation;and, in a case where subsection (3) applies, any reference in this section to the variation is to be read accordingly.
- (5) The matters that must be considered in determining the question whether the dismissal is fair or unfair include the following –
 - (a) the reason for the variation;
 - (b) any consultation carried out by the employer with the employee about varying the employee’s contract of employment;
 - (c) if the employee is of a description in respect of which an independent trade union is recognised by the employer, any consultation carried out by the employer with that trade union;
 - (d) if the employee is not of a description in respect of which an independent trade union is recognised by the employer, any consultation carried out by the employer with any other person representing the interests of the employee that, at the time of the dismissal, had authority to receive information and to be consulted about the dismissal on the employee’s behalf;
 - (e) anything offered to the employee by the employer in return for agreeing to the variation;
 - (f) any matters specified for the purposes of this subsection in regulations made by the Secretary of State.
- (6) In this section –

“recognised”, in relation to a trade union, has the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992 (see section 178 of that Act);

“restricted variation” has the same meaning as in section 104I.”

Member's explanatory statement

This amendment provides that, where an employee is dismissed for failing to agree to a variation of their contract of employment that is not a “restricted variation”, the matters that must be considered in determining whether the dismissal is fair or unfair include those specified in new section 104J(5) of the Employment Rights Act 1996.

BARONESS JONES OF WHITCHURCH

87 Clause 26, page 47, line 31, at end insert—

“104K Redundancy: replacement of employees with people who are not employees

- (1) An employee who is dismissed is to be regarded for the purposes of this Part as unfairly dismissed if—
 - (a) the employee was employed for the purposes of a business carried on by the employer, and
 - (b) the reason (or, if more than one, the principal reason) for the dismissal is to enable the employer to replace the employee with an individual who is not an employee of the employer.
- (2) For the purposes of this section—
 - (a) an employer replaces an employee with an individual who is not an employee of the employer if (and only if)—
 - (i) the individual, or the individual taken together with one or more employees of the employer or other individuals, is to carry out activities, in pursuance of a relevant contract, for the purposes of the employer’s business,
 - (ii) those activities are the same, or substantially the same, activities as the employee, or the employee taken together with one or more other employees of the employer, carried out before being dismissed, and
 - (iii) the employee’s dismissal is not wholly or mainly attributable to the fact that the requirements of the employer’s business for those activities to be carried out have ceased or diminished or are expected to cease or diminish;

and any reference in this section to replacing an employee is to be read accordingly;
 - (b) a reference to replacing an employee with an individual who is not an employee of the employer includes the case where the individual is the one who has been dismissed;
 - (c) “relevant contract”, in relation to an employer, means a contract, other than a contract of employment, to which the employer is a

party (whether or not the individual carrying out activities in pursuance of the contract is a party to it).

- (3) In the case of an employer that is not a local authority, subsection (1) does not apply in relation to an employee if the employer shows that –
 - (a) the reason for the replacement was to eliminate, prevent or significantly reduce, or significantly mitigate the effect of, any financial difficulties which at the time of the dismissal were affecting, or were likely in the immediate future to affect –
 - (i) the employer’s ability to carry on the business as a going concern, or
 - (ii) where the employer is a public sector employer, the financial sustainability of carrying out the employer’s statutory functions, and
 - (b) in all the circumstances the employer could not reasonably have avoided the need to replace the employee.
- (4) In the case of an employer that is a local authority, subsection (1) does not apply in relation to an employee if –
 - (a) at the time of the dismissal, a relevant intervention direction has effect in relation to the authority,
 - (b) the relevant intervention direction –
 - (i) specifies that the reason, or one of the reasons, for the giving of the direction is that the authority is undergoing financial difficulties, and
 - (ii) contains provision relating to the financial management or financial governance of the authority, and
 - (c) the authority shows that –
 - (i) the reason for the replacement was to eliminate or significantly reduce, or significantly mitigate the effect of, any of the financial difficulties referred to in paragraph (b)(i), and
 - (ii) in all the circumstances the authority could not reasonably have avoided the need to replace the employee.
- (5) In determining whether –
 - (a) in the case of a public sector employer (other than a local authority), subsection (3)(b) is met, or
 - (b) in the case of a local authority, subsection (4)(c)(ii) is met,an employment tribunal must apply the same principles as would be applied by a court on an application for judicial review.
- (6) Where the employer shows that the conditions in paragraphs (a) and (b) of subsection (3) are met, or (where the employer is a local authority) the conditions in paragraphs (a), (b) and (c) of subsection (4) are met, the matters that must be considered in determining the question whether the dismissal is fair or unfair include the following –

- (a) any consultation carried out by the employer with the employee about replacing the employee;
- (b) if the employee is of a description in respect of which an independent trade union is recognised by the employer, any consultation carried out by the employer with that trade union;
- (c) if the employee is not of a description in respect of which an independent trade union is recognised by the employer, any consultation carried out by the employer with any other person representing the interests of the employee that, at the time of the dismissal, had authority to receive information and to be consulted about the dismissal on the employee's behalf;
- (d) any matters specified for the purposes of this subsection in regulations made by the Secretary of State.

(7) In this section —

“contract” means a contract whether express or implied and (if it is express) whether oral or in writing;

“English local authority” means —

- (a) a county council or district council in England;
- (b) a London borough council;
- (c) the Greater London Authority;
- (d) the Council of the Isles of Scilly;
- (e) the Common Council of the City of London in its capacity as a local authority, a police authority or a port health authority;
- (f) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- (g) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;

“local authority” means —

- (a) an English local authority,
- (b) a Welsh local authority, or
- (c) a Scottish local authority;

“public sector employer” means a person that —

- (a) is wholly or mainly funded from public funds,
- (b) is under a statutory duty to carry out any functions of a public nature, and
- (c) so far as carrying out those functions, does not operate on a commercial basis;

“recognised”, in relation to a trade union, has the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992 (see section 178 of that Act);

“relevant intervention direction” means —

- (a) in the case of an English local authority, a direction under section 15(5) or (6)(a) of the Local Government Act 1999

- (powers to deal with failure to comply with duties relating to best value authorities);
- (b) in the case of a Welsh local authority, a direction under section 106 or 107 of the Local Government and Elections (Wales) Act 2021 (asc 1) (intervention powers of Welsh Ministers);
 - (c) in the case of a Scottish local authority, an enforcement direction under section 24 of the Local Government in Scotland Act 2003 (asp 1) relating wholly or partly to a failure of the authority to comply with its duties under section 1 of that Act (local authorities' duty to secure best value);
- “Scottish local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- “statutory duty” means a duty imposed by or under any enactment, including –
- (a) a Measure or Act of the National Assembly for Wales or an Act of Senedd Cymru, and
 - (b) an Act of the Scottish Parliament;
- “statutory functions”, in relation to a public sector employer, means functions of a public nature which the employer is under a statutory duty to carry out;
- “Welsh local authority” means –
- (a) a county council or county borough council in Wales;
 - (b) a corporate joint committee established under Part 5 of the Local Government and Elections (Wales) Act 2021.

- (8) The reference in subsection (4)(a) to a relevant intervention direction includes a relevant intervention direction given before the day on which the Employment Rights Act 2025 was passed.

- (3A) In section 105 (redundancy), in the heading, after “Redundancy” insert “: other cases”.

Member's explanatory statement

This amendment provides that an employee's dismissal is automatically unfair if the reason for the dismissal was to enable the employer to replace the employee, on a broadly like-for-like basis, with someone who is not employed but is, for example, an agency worker or a self-employed contractor. There are exceptions to this rule in circumstances where the reason for the replacement is to address financial difficulties of the employer and the employer could not reasonably have avoided the need to replace the employee.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

Member's explanatory statement

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

BARONESS JONES OF WHITCHURCH

- 89 Clause 26, page 47, line 34, leave out “subsection (4)” and insert “subsections (4) and (4A)”

Member's explanatory statement

This amendment is consequential on the amendment of clause 26 at page 47, line 2 that inserts a new subsection (4A) into section 104I of the Employment Rights Act 1996.

BARONESS JONES OF WHITCHURCH

- 90 Clause 26, page 47, line 35, at end insert —
“(gp) subsection (1) of section 104K (read with subsections (3) and (4) of that section) applies,”.

Member's explanatory statement

This amendment is consequential on the amendment of clause 26 at page 47, line 31 that inserts a new section 104K into the Employment Rights Act 1996.

BARONESS JONES OF WHITCHURCH

- 91 Clause 26, page 47, line 37, leave out ““104I(5)(e),”.” and insert ““104I,”

Member's explanatory statement

This amendment provides for regulations under new section 104I of the Employment Rights Act 1996 to be subject to the affirmative resolution procedure.

BARONESS JONES OF WHITCHURCH

- 92 Clause 26, page 47, line 37, at end insert “104J(5)(f),”

Member's explanatory statement

This amendment provides for regulations under subsection (5)(f) of new section 104J of the Employment Rights Act 1996 to be subject to the affirmative resolution procedure.

BARONESS JONES OF WHITCHURCH

- 93 Clause 26, page 47, line 37, at end insert “104K(6)(d),”.

Member's explanatory statement

This amendment provides for regulations under subsection (6)(d) of new section 104K of the Employment Rights Act 1996 to be subject to the affirmative resolution procedure.

After Clause 26

BARONESS NOAKES
LORD LONDESBOROUGH

94 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.”

BARONESS KRAMER
LORD WILLS

95 After Clause 26, insert the following new Clause –

“Protected disclosures and the Office of the Whistleblower

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) For section 43A (meaning of “protected disclosure”) substitute –

“43A Meaning of “protected disclosure”

In this Act a “protected disclosure” means any disclosure of information which is made in the public interest to persons specified in section 43C(1), and which is a qualifying disclosure under section 43C(1), which relates to one or more of the matters in section 43B(1) and which relates to a circumstance which has occurred, is occurring or may occur.”

- (3) In section 43B (disclosures qualifying for protection), for subsection (1) substitute –
 - “(1) In this Part, a qualifying disclosure means any disclosure of information which relates to –
 - (a) a criminal offence or regulatory breach;
 - (b) the failure of any person including a relevant person to comply with a legal obligation;
 - (c) a miscarriage of justice;
 - (d) the endangering of the health or safety of any person;
 - (e) damage to the environment;
 - (f) mismanagement of public funds;
 - (g) misuse or abuse of authority;

- (h) such other matters as may be prescribed in regulations made by the Secretary of State;
 - (i) concealment of information or removal or deletion or destruction of any documents relating to the above matters.”
- (4) In section 43C (disclosure to employer or other responsible person), for subsection (1) substitute –
 - “(1) The persons referred to in section 43A are –
 - (a) the Office of the Whistleblower;
 - (b) a relevant person;
 - (c) a person who, in the reasonable belief of the person making the disclosure is a relevant person;
 - (d) a person to whom it is reasonable for the person making the disclosure to make that disclosure.”
- (5) After section 43C, insert the following new section –

“43CA Disclosure to the Office of the Whistleblower

- (1) The Secretary of State must, by regulations made by statutory instrument, within one year after the day on which the Employment Rights Act 2025 is passed, establish a body corporate called the Office of the Whistleblower (hereafter referred to as “the Office”).
- (2) The principal duty of the Office is to protect whistleblowers and have oversight of the process of whistleblowing.
- (3) The functions of the Office are to –
 - (a) set minimum standards for whistleblowing policies, procedures and reporting structures;
 - (b) monitor and enforce compliance with those standards;
 - (c) provide an independent disclosure and reporting service;
 - (d) provide support for whistleblowers;
 - (e) bring actions for the offence specified in subsection (6) including action notices, redress orders and interim relief orders which may be appealed to the First-tier Tribunal;
 - (f) prevent the exercise of Confidentiality Agreements and Non-Disclosure Agreements except where non-disclosure is for purposes of commercial confidentiality or to provide whistleblower anonymity.
- (4) For the purposes of this Act, a person is a “whistleblower” if they are a worker who has made, makes or is intending to make a protected disclosure or is perceived by a relevant person to have made, be making or intend to make a protected disclosure, related to their employment.
- (5) Any whistleblower who is dismissed from their employment may refer their case to the Office of the Whistleblower, regardless of whether whistleblowing is cited as a cause of their dismissal.

- (6) A person who intentionally or recklessly submits a whistleblower to detriment is guilty of an offence.
- (7) For the purposes of this section, the maximum amount of the fine shall be –
 - (a) in the case of an individual, 10% of their gross annual income, not exceeding £50,000;
 - (b) in any other case, an amount not exceeding 10% of the entity’s annual global turnover.
- (8) Cases arising from subsection (6) are to be heard by the Employment Tribunal.
- (9) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment establishes the Office of the Whistleblower to protect whistleblowers, oversee whistleblowing processes, and enforce compliance with reporting standards. It also allows dismissed whistleblowers to refer their cases to the Office and expands the definition of protected disclosures to cover various public interest concerns, including criminal offences and mismanagement of public funds.

BARONESS KRAMER
BARONESS MORGAN OF COTES
LORD WILLS

96

After Clause 26, insert the following new Clause –

“Regulations to protect whistleblowers

- (1) The Secretary of State must, by regulations, make provision to –
 - (a) extend the circumstances in which an employee is considered unfairly dismissed after making a protected disclosure, and
 - (b) require employers to take reasonable steps to investigate any disclosure made to them under section 43C of the Employment Rights Act 1996.
- (2) Regulations made under subsection 1 apply to any employer with –
 - (a) 50 or more employees,
 - (b) an annual business turnover or annual balance sheet total of £10 million or more,
 - (c) operations in financial services, or
 - (d) vulnerabilities in other respects to money laundering or terrorist financing.
- (3) When making regulations under subsection (1)(b), the Secretary of State must set out in statutory guidance what “reasonable steps” should include.
- (4) The Secretary of State must make regulations under this section within six months of the day on which this Act is passed.

- (5) Regulations under this section are subject to the negative resolution procedure.”

Member's explanatory statement

This new clause requires the Secretary of State to make regulations strengthening whistleblower protections by broadening unfair dismissal grounds and obliging certain employers to take reasonable steps to investigate protected disclosures.

BARONESS GREY-THOMPSON

- 97 After Clause 26, insert the following new Clause—

“Serious childhood illness pay and leave

The Secretary of State must, by regulations made by statutory instrument subject to the affirmative resolution procedure, amend section 171ZZ16 (entitlement) of the Social Security Contributions and Benefits Act 1992 and section 80EF (neonatal care leave) of the Employment Rights Act 1996 so that the provisions in those sections extend to parents caring for a child up to the age of 16.”

Member's explanatory statement

This amendment introduces a right for parents to be absent from work for a prescribed period, and to be paid during that period at a prescribed rate, to care for a child between the ages of 29 days and 16 years who is receiving, or has received, specified types of medical or palliative care.

LORD PALMER OF CHILDS HILL
LORD ASHCOMBE

- 98 After Clause 26, insert the following new Clause—

“Right to be accompanied by a certified professional companion

- (1) Section 10 of the Employment Relations Act 1999 (right to be accompanied) is amended as follows.
- (2) In subsection (3), after paragraph (b) insert—
 - “(ba) a person who has been reasonably certified in writing by a professional body as having experience of, or as having received training in, acting as a worker’s companion at disciplinary or grievance hearings, or”.
- (3) After subsection (7) insert—
 - “(8) In this section, “professional body” means any organisation which is authorised by regulations made by statutory instrument.”.
- (4) In section 42 of the Employment Relations Act 1999 (orders and regulations), after “3,” insert “10(8),”.

Member's explanatory statement

This new clause would expand the right to be accompanied by a certified companion at disciplinary and grievance hearings. It would also give the Secretary of State the power to authorise such bodies by regulation, subject to the affirmative procedure, thereby ensuring parliamentary oversight.

BARONESS FOX OF BUCKLEY
LORD SHARPE OF EPSOM
LORD ASHCOMBE
LORD LONDESBOROUGH

99 After Clause 26, insert the following new Clause —

“Right to be accompanied

- (1) Section 10 of the Employment Relations Act 1999 (right to be accompanied) is amended as follows.
- (2) Omit subsection (2A)(b).
- (3) Omit subsection (3).”

Member's explanatory statement

This new Clause removes the restriction of a trade union as only being those who may accompany a worker. This will allow any person the worker chooses to accompany the worker; for example, family, friends, professionals from the relevant industry etc. It retains the provision that the worker may only be accompanied by one companion.

BARONESS PENN
LORD PALMER OF CHILDS HILL
LORD HAMPTON
BARONESS LISTER OF BURTERSETT

100 After Clause 26, insert the following new Clause —

“Statutory parental leave: length and pay

- (1) The Secretary of State must lay a comprehensive review of all statutory parental leave before Parliament by no later than 1 January 2027.
- (2) Within six months of the publication of the review set out in subsection (1), the Secretary of State must by regulations increase the rate of pay for statutory parental leave and pay available to fathers and second parents in the first year after their child is born.
- (3) By 1 January 2030, the Secretary of State must by further regulations provide for at least six weeks of non-transferable paid leave to be paid to fathers and second parents in the first year after their child is born.
- (4) Regulations under subsection (3) must be set as a minimum at the level of —
 - (a) 90% of a father's salary, or

(b) the level of median gross full-time employee earnings in the United Kingdom, defined by the ONS Annual Survey for Hours and Earnings, whichever is lower.

(5) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This amendment seeks to improve the length and pay of leave for fathers in line with recommendations from the Women and Equalities Select Committee report 'Equality at Work: Paternity and Shared Parental Leave'.

BARONESS PENN
LORD PALMER OF CHILDS HILL

101 After Clause 26, insert the following new Clause —

“Publication of information about parental leave and pay policies: regulations

- (1) The Secretary of State must make regulations to require any employer with more than 250 employees to publish information on the internet about the employer's policies on parental leave and pay for parental leave.
- (2) Regulations under subsection (1) must be published within one year of the day on which this Act is passed.
- (3) Regulations under this section are subject to the affirmative resolution procedure.”

Member's explanatory statement

This amendment seeks to require companies with more than 250 employees to publish information about their parental leave and pay policies.

BARONESS PENN
LORD PALMER OF CHILDS HILL

102 After Clause 26, insert the following new Clause —

“Statutory paternity pay

In section 171ZA(2) of the Social Security Contributions and Benefits Act 1992, omit paragraphs (b) and (d).”

Member's explanatory statement

This amendment seeks to make statutory paternity pay a day one employment right.

LORD HOLMES OF RICHMOND

103 After Clause 26, insert the following new Clause —

“Prohibition of unpaid work experience for a period exceeding four weeks

- (1) The National Minimum Wage Act 1998 is amended as follows.

- (2) After section 3(3) (exclusion of, and modifications for, certain classes of person) insert –

“(3A) “No provision shall be made under subsection (2)(a) in respect of persons participating in a scheme designed to provide work experience for a continuous or non-continuous period which exceeds four weeks.””

- (3) After section 41 (power to apply Act to individuals who are not otherwise “workers”) insert –

“41A Application of this Act to persons undertaking work experience

- (1) The Secretary of State must, in exercising the powers under section 41, provide that this Act applies to a person undertaking work experience with the same employer for a continuous or non-continuous period which exceeds four weeks.
- (2) The Secretary of State must make regulations in accordance with subsection (1) within a period of six months, beginning with the day on which the Employment Rights Act 2025 is passed.
- (3) Such regulations must provide that a person undertaking such work experience who has ceased to be of compulsory school age, but has not attained the age of 26, is eligible to receive the national minimum wage at the rate specified for workers of the person’s age.
- (4) In this section –

“employer” has the meaning given to it by subsection 54(4) of this Act (Meaning of “worker”, “employee” etc.), and also includes any organisation which provides an individual with work experience;

“work experience” means observing, replicating, assisting with and carrying out any task with the aim of gaining experience of a particular workplace, organisation, industry or work-related activity.””

Member's explanatory statement

This amendment seeks to ensure that unpaid work experience cannot be used to avoid National Minimum Wage regulations.

LORD PALMER OF CHILDS HILL
BARONESS TYLER OF ENFIELD
BARONESS LISTER OF BURTERSETT

104

After Clause 26, insert the following new Clause –

“Statutory carer’s leave pay

- (1) The Social Security Contributions and Benefits Act 1992 is amended as follows.

- (2) After Part 12ZE insert —

“PART 12ZF

STATUTORY CARER’S LEAVE PAY

171ZZ25 Entitlement

- (1) Any person who satisfies the conditions in subsection (2) and any condition prescribed under subsection (3) is entitled in accordance with the following provisions of this Part to payments to be known as “carer’s leave pay”.
- (2) The pay conditions are —
 - (a) that the person satisfies prescribed conditions as to carer’s leave;
 - (b) that the person has been in employed earner’s employment with an employer.
- (3) Regulations may provide that a person is not entitled to pay in respect of carer’s leave unless, at the beginning of that period of leave, the person is in employed earner’s employment with the employer by reference to whom the condition in subsection (2)(b) is satisfied.
- (4) For the purposes of this Part “carer’s leave” means carer’s leave under section 80J of the Employment Rights Act 1996.

171ZZ26 Entitlement supplementary

- (1) A person is entitled to payments of statutory carer’s leave pay in respect of any relevant period only if the person gives notice to whoever is liable to make the payments stating the days or half days in respect of which they are to be made.
- (2) Regulations may provide for the time by which notice under subsection (1) must be given.
- (3) The notice must be in writing if the person who is liable to pay the statutory carer’s leave pay so requests.
- (4) Regulations may set out the definition, type and manner of leave to be taken.
- (5) The Secretary of State may by regulations —
 - (a) provide for amounts earned by a person under separate contracts of service with the same employer to be aggregated for the purposes of section 171ZZ25;
 - (b) provide that —
 - (i) the amount of a person’s earnings for any period, or
 - (ii) the amount of the person’s earnings to be treated as comprised in any payment made to the person for the person’s benefit,
 is to be calculated or estimated for the purposes of section 171ZZ25 in such a manner and on such a basis as may be prescribed, and

that for that purpose payments of a particular class or description made or falling to be made to or by a person shall, to such extent as may be prescribed, be disregarded or, as the case may be, deducted from the amount of a person's earnings.

- (6) Where an employee is entitled to leave under this section the employee is entitled to leave during any period within 12 months, for which statutory carer's leave pay is payable.

171ZZ27 Liability to make payments

- (1) The liability to make payments of statutory carer's leave pay under section 171ZZ25 is a liability of any person of whom the person entitled to the payments has been an employee as mentioned in subsections (2)(b) and (3) of that section.
- (2) The Secretary of State must by regulations make provision as to a former employer's liability to pay statutory carer's leave pay to a former employee in any case where the employee's contract of service with the employer has been brought to an end by the employer solely, or mainly, for the purpose of avoiding liability for carer's leave pay.
- (3) The Secretary of State may, with the concurrence of the Commissioners for His Majesty's Revenue and Customs, by regulations specify circumstances in which, notwithstanding this section, liability to make payments of statutory carer's leave pay is to be a liability of the Commissioners.

171ZZ28 Rates and periods of pay

- (1) Statutory carer's leave pay is payable at such a fixed or earnings-related rate as may be prescribed by regulations.
- (2) The Secretary of State may, by order, amend the fixed or earnings-related rate of pay as prescribed by regulations in subsection (1) above.
- (3) Statutory carer's leave pay is payable in respect of—
 - (a) such a day or half day within the qualifying period, or
 - (b) such number of days or half days not exceeding the prescribed number of days or half days,as the person entitled may choose in accordance with regulations.
- (4) Provision under subsection (3)(b) must secure that the prescribed number of days is not less than half a day.
- (5) Regulations under subsection (3)(b) may permit a person entitled to receive statutory carer's leave pay to choose to receive such pay in respect of non-consecutive periods.
- (6) Regulations may make provision where, for any purpose of this Part or of regulations, it is necessary to calculate the daily rate or half-daily rate of statutory carer's leave pay.

171ZZ29 Restrictions on contracting out

- (1) An agreement is void to the extent that it purports –
 - (a) to exclude, limit or otherwise modify any provision of this Part, or
 - (b) to require a person to contribute (whether directly or indirectly) towards any costs incurred by that person's employer or former employer under this Part.
- (2) An agreement between an employer and an employee authorising any deductions from statutory carer's leave pay which the employer is liable to pay to the employee in respect of any period is not void by virtue of subsection (1)(a) if the employer –
 - (a) is authorised by that or another agreement to make the same deductions from any contractual remuneration which the employer is liable to pay in respect of the same period, or
 - (b) would be so authorised if the employer were liable to pay contractual remuneration in respect of that period.

171ZZ30 Relationship with contractual remuneration

- (1) Subject to subsections (2) and (3), any entitlement to statutory carer's leave pay does not affect any right of a person in relation to remuneration under any contract of service ("contractual remuneration").
- (2) Subject to subsection (3) –
 - (a) any contractual remuneration paid to a person by an employer of that person in respect of any period is to go towards discharging any liability of that employer to pay statutory carer's leave pay to that person in respect of that period, and
 - (b) any statutory carer's leave pay paid by an employer to a person who is an employee of that employer in respect of any period is to go towards discharging any liability of that employer to pay contractual remuneration to that person in respect of that period.
- (3) Regulations may make provision as to payments which are, and those which are not, to be treated as contractual remuneration for the purposes of subsections (1) and (2).

171ZZ31 Supplementary

In this Part –

"employer" in relation to a person who is an employee, means a person who –

- (a) under section 6 is liable to pay secondary Class 1 contributions in relation to any of the earnings of the person who is an employee, or
- (b) would be liable to pay such contributions but for
 - (i) the condition in section 6(1)(b), or
 - (ii) the employee being under the age of 16;

“employee” means a person who is gainfully employed in Great Britain either under a contract of service or in an office (including elective office) with earnings;
“earnings” and “relevant period” have the meanings given to them by regulations;
“carer’s leave” has the meaning given by the Carer’s Leave Act 2023 and the Carer’s Leave 2024 regulations.””

Member's explanatory statement

This new Clause makes provision for a statutory entitlement to carer’s leave pay, including eligibility, rates of pay, employer liability, and the relationship with contractual pay. It seeks to make the length of paid entitlement equivalent to the unpaid entitlement provided for by the Carer’s Leave Act 2023.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD GODDARD OF STOCKPORT

105 After Clause 26, insert the following new Clause –

“Definition of seasonal work

- (1) In making regulations under Part 1 of this Act, the Secretary of State must have regard to the specific characteristics and requirements of seasonal work as defined in subsection (2).
- (2) “Seasonal work” means work that –
 - (a) is performed during a particular period or periods of the year,
 - (b) recurs substantially in the same periods each year,
 - (c) is directly linked to a predictable and temporary increase in demand for labour during those periods,
 - (d) includes work in sectors where such patterns are common, including but not limited to –
 - (i) agriculture and horticulture,
 - (ii) the creative industries, including theatre and live performance,
 - (iii) retail,
 - (iv) hospitality, and
 - (v) tourism and events, and
 - (e) is entered into for a fixed duration not exceeding 26 weeks to meet the temporary demand.”

Member's explanatory statement

This amendment introduces a baseline definition of “seasonal work” to clarify its recurring and time-limited nature for the purposes of the Act.

LORD LEIGH OF HURLEY

106 After Clause 26, insert the following new Clause —

“Consultation on Part 1

- (1) The Secretary of State must initiate a consultation on the effects of the provisions in Part 1 of this Act.
- (2) As part of the consultation under subsection (1), the Secretary of State must ensure that views are specifically sought from at least 500 small and medium-sized enterprises (SMEs).
- (3) The Secretary of State must lay before each House of Parliament, within 18 weeks of the initiation referred to in subsection (1), a report on the outcome of that consultation, including a summary of responses received from SMEs.”

Member's explanatory statement

This amendment requires the Secretary of State to undertake a consultation on the effects of the provisions in Part 1 and to ensure that at least 500 small and medium-sized enterprises (SMEs) are consulted as part of that process.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD ROBOROUGH

107 After Clause 26, insert the following new Clause —

“Exemptions for individuals employed by a farm business

- (1) Sections 1 to 13, 23, and 26 of this Act do not apply to employment by a farm business.
- (2) For the purposes of this section —

“farm business” means any business, undertaking or activity carried on wholly or mainly for the purposes of agriculture, horticulture or forestry, and includes —

 - (a) the growing of crops, including cereals, fruits, vegetables and flowers;
 - (b) the rearing or fattening of livestock or poultry;
 - (c) dairy farming;
 - (d) the management of woodlands where ancillary to agricultural operations;
 - (e) land used for grazing, mowing or market gardening;
 - (f) any business conducted on land that is occupied under a farm business tenancy within the meaning of section 1 of the Agricultural Tenancies Act 1995 or section 109(3) of the Agriculture Act 1947.”

Member's explanatory statement

This amendment exempts all individuals employed by a farm business from the application of Sections 1 to 13, 23, and 26 of the Act.

Clause 27

LORD MOYNIHAN OF CHELSEA

108 Clause 27, page 48, line 13, at end insert –

- “(A2) Subsection (A1)(a) shall not apply where the employer is undergoing relevant insolvency proceedings.
- (A3) Where the employer is undergoing relevant insolvency proceedings, the duty to consult under this section shall not arise.
- (A4) For the purposes of this section, “relevant insolvency proceedings” means any formal insolvency process under the supervision of an insolvency practitioner, including but not limited to –
- (a) administration;
 - (b) administrative receivership;
 - (c) Company Voluntary Arrangement (CVA);
 - (d) Creditors’ Voluntary Liquidation (CVL);
 - (e) compulsory liquidation.”

Member's explanatory statement

This amendment ensures that employers undergoing formal insolvency proceedings under the supervision of an insolvency practitioner are not subject to the collective consultation duties ordinarily required under subsection (A1)(a).

LORD MOYNIHAN OF CHELSEA

109 Clause 27, page 49, leave out lines 16 to 20 and insert –

- “(b) at least 21 days before the first of the dismissals takes effect, regardless of the number of employees proposed to be dismissed.”

Member's explanatory statement

This amendment reduces the minimum period of advance notice that an employer must give to the Secretary of State before making collective redundancies, changing it from 30 or 45 days (depending on the number of redundancies) to 21 days.

Clause 34

LORD HOLMES OF RICHMOND

110 Clause 34, page 61, line 2 at end insert –

- “(A1) After section 5(1)(ec) of the Employment Agencies Act 1973 (general regulations), insert –
- “(f) requiring the Secretary of State to introduce regulations for employment businesses participating in employment arrangements to underpin recognised certifications and

industry standards, particularly for businesses acting as payment intermediaries.””

Member's explanatory statement

This amendment would ensure that the regulations the Government intend to bring forward for Payment Intermediaries (also known as umbrella companies) make use of the compliant part of the market's existing industry led codes and accreditations. It does not involve the creation of a new body or the creation of a new framework.

After Clause 34

LORD GODDARD OF STOCKPORT

111 After Clause 34, insert the following new Clause —

“Employment law code of practice

- (1) Within 30 months of the passage of this Act, the Secretary of State must publish a code of practice containing guidance for small and medium-sized enterprises on their legal obligations under this Act.
- (2) It is the purpose of the document to provide clarity for smaller and medium sized enterprises on compliance with the provisions contained in this Act.
- (3) 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;
 - (c) guidance on best practice suitable to businesses of this size.
- (4) The Code of Practice may be updated by the Secretary of State as they see fit.”

Member's explanatory statement

This amendment requires the Secretary of State to publish a statutory code of practice for small businesses in adhering to the employment and legal requirements of this Act.

Schedule 4

BARONESS BARRAN

111A Schedule 4, page 201, line 3, leave out “For the purposes of this Part,” and insert —

- “(A1) In the case of staff employed under subsection (3)(b) of section 148C, matters within the SSSNB’s remit are limited to the establishment of a framework to which employers of school support staff must have regard when discharging their functions.
- (B1) A framework under subsection (A1) must include information on —
 - (a) the remuneration of school support staff,
 - (b) the terms and conditions of employment of school support staff,

- (c) the training of school support staff,
 - (d) career progression for school support staff, and
 - (e) related matters.
- (C1) When taking any action related to the matters in subsection (B1), an employer may disregard the framework only in exceptional circumstances.
- (D1) For the purposes of subsection (C1), the definition of “exceptional circumstances” shall be set out in regulations.
- (1) In the case of staff employed under subsection (3)(a) of section 148C,”

Member's explanatory statement

This amendment would change the matters within the SSSNB's remit in relation to academy staff, limiting it to the creation of a framework to which academy employers must have regard in all but exceptional circumstances.

BARONESS JONES OF WHITCHURCH

112 Schedule 4, page 207, line 17, at end insert –

- “(6) Subsections (2) to (5) –
- (a) do not apply in relation to a term or condition of a person's employment if, and to the extent that, giving effect to the agreement would alter the term or condition to the person's detriment;
 - (b) do not prevent the terms and conditions of a person's employment from including a term or condition that is more favourable to the person than that which would otherwise have effect by virtue of those subsections.”

Member's explanatory statement

This amendment provides that an agreement of the School Support Staff Negotiating Body cannot alter a person's terms and conditions of employment to make the person worse off, and does not prevent an employer from offering more favourable terms and conditions than those provided for by the agreement.

BARONESS JONES OF WHITCHURCH

113 Schedule 4, page 207, line 29, after “apply” insert “(but see subsection (8))”

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 4 at page 208, line 4.

BARONESS JONES OF WHITCHURCH

114 Schedule 4, page 208, line 4, at end insert –

- “(8) Subsections (4) to (7) –

- (a) do not apply in relation to a term or condition of a person's employment if, and to the extent that, giving effect to the regulations would alter the term or condition to the person's detriment;
- (b) do not prevent the terms and conditions of a person's employment from including a term or condition that is more favourable to the person than that which would otherwise have effect by virtue of those subsections."

Member's explanatory statement

This amendment provides that, where the School Support Staff Negotiating Body has been unable to reach an agreement about a matter and the Secretary of State makes regulations about the matter, the regulations cannot alter a person's terms and conditions of employment to make the person worse off, and do not prevent an employer from offering more favourable terms and conditions than those provided for by the regulations.

BARONESS JONES OF WHITCHURCH

115 Schedule 4, page 208, leave out lines 8 to 14

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 4 at page 208, line 4.

BARONESS JONES OF WHITCHURCH

116 Schedule 4, page 208, line 22, leave out "(7)" and insert "(8)"

Member's explanatory statement

This amendment is consequential on my amendment of Schedule 4 at page 208, line 4.

BARONESS BARRAN

116A Schedule 4, page 210, line 22, at end insert—

- "(2A) Before making or revising arrangements under sub-paragraph (1), the Secretary of State must publish and lay before Parliament an impact assessment of the costs for the education sector of any proposed arrangements."

Member's explanatory statement

This amendment introduces a requirement for the Secretary of State to undertake an impact assessment of the costs for the education sector before making or changing arrangements related to the School Support Staff Negotiating Body.

BARONESS BARRAN

116B Schedule 4, page 211, line 30, at end insert –

“(1A) The report must include an assessment of the increased costs to the education sector of any pay and conditions agreements made in that reporting year.”

Member's explanatory statement

This amendment requires the annual reports of the School Support Staff Negotiating Body to include the cost of pay and conditions agreements.

Clause 44

BARONESS JONES OF WHITCHURCH

117 Clause 44, page 66, line 22, at end insert –

“(5) Subsections (2) to (4) –

- (a) do not apply in relation to a term or condition of a social care worker's employment if, and to the extent that, giving effect to the agreement would alter the term or condition to the social care worker's detriment;
- (b) do not prevent the terms and conditions of a social care worker's employment from including a term or condition that is more favourable to the social care worker than that which would otherwise have effect by virtue of those subsections.”

Member's explanatory statement

This amendment provides that an agreement of a Social Care Negotiating Body cannot alter a person's terms and conditions of employment to make the person worse off, and does not prevent an employer from offering more favourable terms and conditions than those provided for by the agreement.

Clause 45

BARONESS JONES OF WHITCHURCH

118 Clause 45, page 67, line 2, after “apply” insert “(but see subsection (8))”

Member's explanatory statement

This amendment is consequential on my amendment of clause 45 at page 67, line 10.

BARONESS JONES OF WHITCHURCH

119 Clause 45, page 67, line 10, at end insert –

“(8) Subsections (5) to (7) –

- (a) do not apply in relation to a term or condition of a social care worker's employment if, and to the extent that, giving effect to the regulations would alter the term or condition to the social care worker's detriment;

- (b) do not prevent the terms and conditions of a social care worker's employment from including a term or condition that is more favourable to the social care worker than that which would otherwise have effect by virtue of those subsections."

Member's explanatory statement

This amendment provides that, where a Social Care Negotiating Body has been unable to reach an agreement about a matter and the appropriate authority makes regulations about the matter, the regulations cannot alter a person's terms and conditions of employment to make the person worse off, and do not prevent an employer from offering more favourable terms and conditions than those provided for by the regulations.

Clause 46

BARONESS JONES OF WHITCHURCH

120 Clause 46, page 67, line 27, at end insert —

- “(3A) Regulations under this section that by virtue of subsection (2)(b) make provision about the consequences of a failure to comply with a duty imposed by the regulations in relation to a provision of guidance or a code of practice must provide for the guidance or code to be laid before the appropriate legislature and subject to the procedure specified.”

Member's explanatory statement

This amendment provides that, where regulations under clause 46 provide for the issuing of guidance or a code of practice by the Secretary of State, and make provision about the consequences of a failure to comply with a duty imposed in relation to the guidance or code, the regulations must provide for the guidance or code to be laid before Parliament and to be subject to the procedure specified in the regulations. The amendment also imposes an equivalent duty in relation to regulations made by the Welsh Ministers or Scottish Ministers.

BARONESS JONES OF WHITCHURCH

121 Clause 46, page 67, line 28, after “section” insert “ —

“the appropriate legislature” means —

- (a) in the case of regulations of the Secretary of State, Parliament;
- (b) in the case of regulations of the Welsh Ministers, Senedd Cymru;
- (c) in the case of regulations of the Scottish Ministers, the Scottish Parliament;”

Member's explanatory statement

This amendment is consequential on my other amendment of this clause.

Clause 49

BARONESS JONES OF WHITCHURCH

122 Clause 49, page 69, leave out lines 13 to 19

Member's explanatory statement

This amendment is consequential on my amendment of clause 45 at page 67, line 10.

Clause 54

BARONESS JONES OF WHITCHURCH

- 123** Clause 54, page 73, line 32, leave out from “84A(2)” to end of line 34

Member's explanatory statement

This amendment, together with my other amendment of this clause, provides that regulations under new section 84A(2) of the Merchant Shipping Act 1995 giving effect to international agreements relating to maritime employment will be subject to the affirmative resolution procedure.

BARONESS JONES OF WHITCHURCH

- 124** Clause 54, page 73, leave out lines 37 to 42

Member's explanatory statement

See the explanatory statement for my other amendment of this clause.

After Clause 54

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 125** After Clause 54, insert the following new Clause –

“Right to opt out of collective agreements

- (1) A worker who is not a member of a trade union may elect, in writing, to opt out of the terms of a collective agreement that would otherwise apply to them under this Act.
- (2) In such a case, the worker shall be entitled to rely on the statutory rights conferred by this Act without reference to the collective agreement.”

Member's explanatory statement

This amendment provides non-union workers with the right to opt out of collective agreements, reinforcing individual freedom of contract and protecting access to statutory entitlements.

LORD PARKINSON OF WHITLEY BAY
LORD FAULKNER OF WORCESTER
THE EARL OF CLANCARTY

126 After Clause 54, insert the following new Clause –

“CHAPTER 4

INDUSTRIAL UNDERTAKINGS

Restriction on the employment of children in industrial undertakings

In section 1 of the Employment of Women, Young Persons, and Children Act 1920 (restrictions on the employment of women, young persons, and children in industrial undertakings), at the end of subsection (1) insert “(but voluntary work on a heritage railway or heritage tramway is not employment in an industrial undertaking)”.

LORD HENDY

127 After Clause 54, insert the following new Clause –

“Sectoral collective bargaining

- (1) The Secretary of State may make regulations for the establishment of Statutory Joint Industrial Councils.
- (2) The regulations shall provide that –
 - (a) a Statutory Joint Industrial Council shall be composed of equal numbers of –
 - (i) nominees of employers’ associations (or nominees of employers) which appear to ACAS to represent employers in the sector, and
 - (ii) nominees of independent trade unions which appear to ACAS to represent workers in the sector;
 - (b) a Statutory Joint Industrial Council shall have the function of conducting collective bargaining to –
 - (i) establish levels and rates of remuneration (including pensions), terms, conditions and other benefits for those who work in the particular sector of the economy,
 - (ii) determine any other matter within the scope of section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (collective agreements and collective bargaining),
 - (iii) formulate its constitution and procedural arrangements including a dispute resolution procedure,
 - (iv) resolve any other matter which the Statutory Joint Industrial Council desires to consider;
 - (c) any agreements reached by a Statutory Joint Industrial Council shall apply to the workers and employers in the relevant sector save to the extent that

- a previous or a subsequent contract or collective agreement makes more favourable provision;
- (d) it is for the Secretary of State (in the light of advice from ACAS) to determine what constitutes a sector of the economy for the purposes of establishing a Statutory Joint Industrial Council; and
- (e) a Statutory Joint Industrial Council may only be made following consultation with—
 - (i) nominees of employers' associations (and/or nominees of employers) which appear to ACAS to represent employers in the sector, and
 - (ii) nominees of independent trade unions which appear to ACAS to represent workers in the sector.
- (3) Regulations made under this section are subject to the affirmative resolution procedure."

Member's explanatory statement

This amendment is intended to enable regulations to be laid for sectoral collective bargaining in particular sectors of the economy. The concept of the Statutory Joint Industrial Council is taken from s.90 and Schedule 8, Employment Protection Act 1975, reproduced in Part II of the Wages Councils Act 1979.

Clause 55

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

128 Clause 55, page 75, line 23, at end insert—

- “(8) The provisions inserted by this section do not apply to small businesses.
- (9) For the purposes of subsection (8), a “small business” means an undertaking which employs fewer than 50 employees.”

Clause 56

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD LONDESBOROUGH

129 Clause 56, page 76, line 35, at end insert—

- “(c) may not be made if the employer in question is a small or medium-sized enterprise.”

Member's explanatory statement

This amendment and others in the name of Lord Sharpe of Epsom provide that a trade union cannot give an access request if the employer is a small or medium-sized business, unless the Secretary of State has provided for this in regulations. Such regulations (where they affect small or medium-sized businesses) may not be made before 6 April 2028, and without prior consultation

and publication of an impact assessment. They also provide that the Secretary of State must consult and publish an impact assessment prior to making regulations to vary the required percentage.

LORD MOYNIHAN OF CHELSEA

130 Clause 56, page 77, line 2, at end insert—

- “(3A) An access request under subsection (1) must specify a date or dates for the proposed access that are at least two working days after the day the request is given to the employer.”

Member's explanatory statement

This amendment requires unions to provide a minimum of two working days' notice before entering a workplace under a right of entry provision.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD LONDESBOROUGH

131 Clause 56, page 77, line 14, at end insert—

““small or medium-sized business” shall have the meaning given to it in section 7 of the Small Business, Enterprise and Employment Act 2015.

- (7) The Secretary of State may by regulations made by statutory instrument provide for the disapplication of subsection (2)(c), whether in respect of small or medium-sized businesses of a specified class, or in respect of small or medium-sized businesses generally.
- (8) Regulations made under subsection (7) may not be made--
 - (a) unless the Secretary of State has--
 - (i) consulted with small or medium-sized businesses and their representatives on the potential impacts of extending the provisions of this Chapter to small or medium-sized businesses;
 - (ii) prepared and published a review on the impact of extending the provisions of this Chapter to small or medium-sized businesses, and laid a document containing that review before each House of Parliament;
 - (b) in any event, before 6 April 2028.
- (9) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment and others in the name of Lord Sharpe of Epsom provide that a trade union cannot give an access request if the employer is a small or medium-sized business, unless the Secretary of State has provided for this in regulations. Such regulations (where they affect small or

medium-sized businesses) may not be made before 6 April 2028, and without prior consultation and publication of an impact assessment. They also provide that the Secretary of State must consult and publish an impact assessment prior to making regulations to vary the required percentage.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 132** Clause 56, page 85, leave out lines 23 to 25 and insert “a panel of three members of the Committee”

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 133** Clause 56, page 85, leave out lines 26 to 29

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 134** Clause 56, page 86, leave out lines 9 to 15

Schedule 6

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 135** Schedule 6, page 227, line 12, leave out sub-paragraphs (3) and (4)

Member's explanatory statement

This amendment and others in the name of Lord Sharpe maintain the existing 10% membership threshold for union recognition applications by removing provisions that would have allowed this threshold to be modified through secondary legislation.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 136** Schedule 6, page 227, line 22, leave out sub-paragraphs (6) and (7)

Member's explanatory statement

This amendment and others in the name of Lord Sharpe maintain the existing 10% membership threshold for union recognition applications by removing provisions that would have allowed this threshold to be modified through secondary legislation.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 137 Schedule 6, page 241, line 16, leave out “the required percentage (see paragraph 171B)” and insert “10 per cent”

Member's explanatory statement

This amendment and others in the name of Lord Sharpe maintain the existing 10% membership threshold for union recognition applications by removing provisions that would have allowed this threshold to be modified through secondary legislation.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 138 Schedule 6, page 243, line 10, leave out “the required percentage (see paragraph 171B)” with “10 per cent”

Member's explanatory statement

This amendment and others in the name of Lord Sharpe maintain the existing 10% membership threshold for union recognition applications by removing provisions that would have allowed this threshold to be modified through secondary legislation.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 139 Schedule 6, page 244, line 12, leave out paragraph 34

Member's explanatory statement

This amendment and others in the name of Lord Sharpe maintain the existing 10% membership threshold for union recognition applications by removing provisions that would have allowed this threshold to be modified through secondary legislation.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 140 Schedule 6, page 254, line 22, leave out “the required percentage (see paragraph 171B)” and insert “10 per cent”

Member's explanatory statement

This amendment and others in the name of Lord Sharpe maintain the existing 10% membership threshold for union recognition applications by removing provisions that would have allowed this threshold to be modified through secondary legislation.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 141 Schedule 6, page 254, line 26, leave out “the required percentage” and insert “10 per cent”

Member's explanatory statement

This amendment and others in the name of Lord Sharpe maintain the existing 10% membership threshold for union recognition applications by removing provisions that would have allowed this threshold to be modified through secondary legislation.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 142** Schedule 6, page 254, line 36, leave out “the required percentage” and insert “10 per cent”

Member's explanatory statement

This amendment and others in the name of Lord Sharpe maintain the existing 10% membership threshold for union recognition applications by removing provisions that would have allowed this threshold to be modified through secondary legislation.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

- 143** Schedule 6, page 269, line 32, leave out paragraph 65

Member's explanatory statement

This amendment and others in the name of Lord Sharpe maintain the existing 10% membership threshold for union recognition applications by removing provisions that would have allowed this threshold to be modified through secondary legislation.

LORD LUCAS

- 144** Schedule 6, page 269, line 34, at end insert “constituting at least 3 workers”

Member's explanatory statement

This amendment seeks to avoid inadvertently putting further pressure on SMEs, by requiring further minimum thresholds for the required percentage.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD LONDESBOROUGH

- 145** Schedule 6, page 270, line 9, at end insert—

- “(5) Regulations made under sub-paragraph (2) that affect small or medium-sized businesses may not be made unless the Secretary of State has—
- (a) consulted with small or medium-sized businesses and their representatives on the impacts of varying the required percentage, and whether different provision should be made for small or medium-sized businesses;
 - (b) prepared and published a review on the impact on small or medium-sized businesses of varying the required percentage, and

laid a document containing that review before each House of Parliament.”

Member's explanatory statement

This amendment and others in the name of Lord Sharpe of Epsom provide that a trade union cannot give an access request if the employer is a small or medium-sized business, unless the Secretary of State has provided for this in regulations. Such regulations (where they affect small or medium-sized businesses) may not be made before 6 April 2028, and without prior consultation and publication of an impact assessment. They also provide that the Secretary of State must consult and publish an impact assessment prior to making regulations to vary the required percentage.

Clause 59

LORD LEIGH OF HURLEY

146 Clause 59, page 87, line 33, leave out subsection (2)

Member's explanatory statement

Clause 59 would undo the cross-party agreement reached during the passage of the Trade Union Act 2016, which was based on the conclusions of the Trade Union Political Funds and Political Party Funding Committee. This amendment would maintain the overall principle that people joining a union should pay into its political fund only if they have actively opted to do so.

LORD BURNS
BARONESS FINN

147 Leave out Clause 59

Member's explanatory statement

This amendment would retain the 2016 cross-party compromise (agreed by the House without a division) whereby new members of a union contribute to the political fund only if they have actively chosen to do so. That compromise was based on the conclusions of the Trade Union Political Funds and Political Party Funding Committee.

Clause 65

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD MOYNIHAN OF CHELSEA

148 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.

LORD EVANS OF RAINOW

149 Clause 65, page 96, line 26, leave out paragraph (b)

Member's explanatory statement

This amendment would maintain the 50% threshold requirement in section 226(2)(a) of the 1992 Act for industrial action decisions. This represents a balance between protecting workers' rights while ensuring industrial action has broad workforce support.

After Clause 72

LORD HENDY

150 After Clause 72, insert the following new Clause –

“Right to take industrial action

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) In section 220 (peaceful picketing) –
 - (a) in subsection (1), for paragraphs (a) and (b) substitute “a place of work”;
 - (b) omit subsections (2) to (4).
- (3) Omit section 224 (secondary action).
- (4) In section 244 (meaning of “trade dispute” in Part V) –
 - (a) in subsection (1), for “a dispute between workers and their employer which relates wholly or mainly to” substitute “a dispute between workers and one or more employers connected with”;
 - (b) in subsection (5), for “a worker employed by that employer” substitute “a worker employed by an employer”.

Member's explanatory statement

These amendments would remove the provisions (in sections 224 and 244) that render unlawful all forms of ‘secondary’ industrial action including the rights of pickets to picket places of work other than their own.

Clause 73

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

151 Clause 73, page 101, line 27, 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.

Clause 75

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

152 Leave out Clause 75

After Clause 86

LORD LEIGH OF HURLEY

153 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.
- (2) As part of the consultation under subsection (1), the Secretary of State must ensure that views are specifically sought from at least 500 small and medium-sized enterprises (SMEs).
- (3) The Secretary of State must lay before each House of Parliament, within 18 weeks of the initiation referred to in subsection (1), a report on the outcome of that consultation, including a summary of responses received from SMEs.”

Member's explanatory statement

This amendment requires the Secretary of State to undertake a consultation on the operation of trade union legislation and to ensure that at least 500 small and medium-sized enterprises (SMEs) are consulted as part of that process.

Clause 113

LORD CARTER OF HASLEMERE
LORD SHARPE OF EPSOM
BARONESS NEVILLE-ROLFE

154 Leave out Clause 113

After Clause 140

LORD LEIGH OF HURLEY

155 After Clause 140, insert the following new Clause —

“Consultation on labour market enforcement strategy

- (1) The Secretary of State must initiate a consultation on the effects of the provisions in Part 5 of this Act.
- (2) As part of the consultation under subsection (1), the Secretary of State must ensure that views are specifically sought from at least 500 small and medium-sized enterprises (SMEs).
- (3) The Secretary of State must lay before each House of Parliament, within 18 weeks of the initiation referred to in subsection (1), a report on the outcome of that consultation, including a summary of responses received from SMEs.”

Member's explanatory statement

This amendment requires the Secretary of State to undertake a consultation on the effects of the provisions in Part 5 of the Act and to ensure that at least 500 small and medium-sized enterprises (SMEs) are consulted as part of that process.

Schedule 10

BARONESS JONES OF WHITCHURCH

156 Schedule 10, page 282, line 28, leave out “that subsection” and insert “subsection (3)”

Member's explanatory statement

This amendment corrects an incorrect cross-reference.

BARONESS JONES OF WHITCHURCH

157 Schedule 10, page 293, line 17, at end insert –

“(ga) Schedule 1;”

Member's explanatory statement

This amendment provides for the repeal of Schedule 1 to the Immigration Act 2016 as a consequence of the abolition of the Director of Labour Market Enforcement.

BARONESS JONES OF WHITCHURCH

158 Schedule 10, page 293, line 19, leave out “9, 11,”

Member's explanatory statement

The effect of this amendment is to repeal paragraph 10 of Schedule 3 to the Immigration Act 2016, which is not needed as a result of the repeal of paragraphs 11 and 12 of that Schedule by the Bill.

After Clause 150

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD LONDESBOROUGH

159 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
LORD SHARPE OF EPSOM

160 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,
 - (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, and
 - (f) ensuring that the duty to consider the freelancer workforce under section (*Duty to consider freelancer workforce*) of the Employment Rights Act 1996 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 (*definition of “freelancer”*) of the Employment Rights Act 1996.
- (9) Regulations under this section are subject to the negative resolution procedure.”

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
VISCOUNT COLVILLE OF CULROSS

161 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

162 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

163 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

164 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

165 After Clause 150, insert the following new Clause –

“Ministerial responsibility for assessing and acting on the impact of this Act on freelancers

- (1) The Prime Minister must specify a Minister of the Crown to be responsible for assessing the impact of provisions in this Act on freelancers.
- (2) The Minister appointed by virtue of subsection (1) is responsible for –
 - (a) analysing available data about the freelance workforce,
 - (b) engaging with sectors with high proportions of freelance workers about the application of provisions of this Act,
 - (c) identifying issues and recommending necessary changes to improve employment rights for freelance workers.
- (3) Following an assessment under subsection (2), the Minister must take steps to –
 - (a) represent the interests of freelance workers in the application of employment rights under this Act,
 - (b) ensure fair treatment of freelance workers across different sectors,
 - (c) ensure that relevant government departments, including but not limited to the –

- (i) Department for Business and Trade,
 - (ii) Department for Work and Pensions,
 - (iii) Department for Culture, Media and Sport,
 - (iv) Department for Education, and
 - (v) Department for Science, Innovation and Technology,
- have due regard to the specific needs and circumstances of the freelance workforce.
- (4) The Minister must publish reports on the discharge of their functions set out in subsections (2) and (3) 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.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
LORD LONDESBOROUGH

166 After Clause 150, insert the following new Clause —

“Review of impact on small businesses

- (1) The Secretary of State must conduct a review of the impact of this Act on small businesses.
- (2) The review must be carried out no later than 18 months after the day on which this Act is passed.
- (3) The Secretary of State must publish the findings of the review within three months of its completion.
- (4) In this section, “small business” means a business that employs fewer than 50 employees.”

Member's explanatory statement

This new clause requires the Secretary of State to conduct and publish a review of the impact of the Act on small businesses within 18 months of its passage.

LORD FREYBERG
LORD LONDESBOROUGH

167 After Clause 150, insert the following new Clause –

“Report: freelancers, self-employed persons and sole traders

- (1) Within nine months of the day on which this Act is passed, the Secretary of State must publish a report setting out –
 - (a) fixed definitions of the following categories of workers –
 - (i) freelancers,
 - (ii) self-employed persons, and
 - (iii) sole traders,
 - (b) an assessment of how the categories of worker in subsection (1)(a) may be impacted differently by the provisions of this Act, and
 - (c) recommendations to ensure fair and equitable treatment of workers across the categories in subsection (1)(a).
- (2) The Secretary of State must lay the report under subsection (1) before Parliament.”

Member's explanatory statement

This probing amendment seeks to clarify how the Government defines freelancers, self-employed persons and sole traders, and to understand how this Bill may affect those categories of worker.

LORD HOLMES OF RICHMOND

168 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

169 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) Regulations under subsection (1) are subject to the negative resolution procedure.
- (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

170 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) Regulations under subsection (1) are subject to the negative resolution procedure.”

LORD HOLMES OF RICHMOND

171 After Clause 150, insert the following new Clause –

“AI use of a 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

172 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

173 After Clause 150, insert the following new Clause –

“Blind and sight-impaired people employment gap: Task and Finish Group

- (1) On the day on which this Act is passed, the Secretary of State must establish a Task and Finish Group 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 Group must produce a cross-economy, cross-society, cross-government action plan within 18 months of its establishment.”

LORD HOLMES OF RICHMOND

174 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.”

LORD HOLMES OF RICHMOND

175 After Clause 150, insert the following new Clause –

“Task and Finish Group: AI in the workplace

- (1) On the day on which this Act is passed, the Secretary of State must establish a Task and Finish Group on AI in the workplace.
- (2) The Group 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 Group 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

176 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 FREYBERG

177 After Clause 150, insert the following new Clause –

“Statement: visual arts professionals

- (1) The Secretary of State must make a statement to Parliament setting out –
 - (a) the application of employment status to workers in the visual arts, in relation to their status as freelancers, sole-traders or self-employed persons,

- (b) the data collection methods used by the Government to quantify the number of workers in the visual arts sector, including how workers' earnings are recorded in that sector, particularly where workers may be involved in different forms of work, including freelancing, and
 - (c) whether in their view it is necessary to reform standard occupational categories (SOC) for data recording in the visual arts sector to reflect the nature of employment more accurately in the sector.
- (2) The statement under subsection (1) must be made within six months of the day on which this Act is passed."

Member's explanatory statement

This probing amendment seeks to clarify how the Government defines the employment status of visual artists and how it collects and records data on the visual arts sector. The amendment seeks to highlight the need for greater statistical visibility of artist professionals, and draws attention to the potential limitations of current Standard Industrial Classification (SIC) and Standard Occupational Classification (SOC) codes.

LORD FREYBERG

178

After Clause 150, insert the following new Clause —

“Statement: workers in auction houses

- (1) The Secretary of State must make a statement to Parliament setting out —
- (a) the application of employment status to workers in the auction houses, in relation to their status as freelancers, sole-traders or self-employed persons,
 - (b) the data collection methods used by the Government to quantify the number of workers in auction houses, including how workers' earnings are recorded in that sector, particularly where workers may be involved in different forms of work, including freelancing, and
 - (c) whether in their view it is necessary to reform standard occupational categories (SOC) for data recording to reflect the nature of employment more accurately in the sector.
- (2) The statement under subsection (1) must be made within six months of the day on which this Act is passed."

Member's explanatory statement

This probing amendment seeks to clarify how the Government categorises and collects data on employment practices within auction houses, particularly with respect to freelance and casual workers such as specialists, porters, and technicians. It seeks to highlight the absence of this sector from cultural economic data and the potential limitations of current classification systems.

LORD FREYBERG

179 After Clause 150, insert the following new Clause –

“Statement: employment in the craft sector

- (1) The Secretary of State must make a statement to Parliament setting out –
 - (a) the application of employment status to workers in the craft sector, in relation to their status as freelancers, sole-traders or self-employed persons,
 - (b) the data collection methods used by the Government to quantify the number of workers in the craft sector, including how workers’ earnings are recorded in that sector, particularly where workers may be involved in different forms of work, including freelancing, and
 - (c) whether in their view it is necessary to reform standard occupational categories (SOC) for data recording in the craft sector to reflect the nature of employment more accurately in the sector.
- (2) The statement under subsection (1) must be made within six months of the day on which this Act is passed.”

Member’s explanatory statement

This probing amendment seeks to clarify how the Government defines the employment status of craft workers and how it collects and records data on the craft sector. The amendment seeks to highlight the need for greater statistical visibility of craft practitioners, and calls attention to the potential limitations of current Standard Industrial Classification (SIC) and Standard Occupational Classification (SOC) codes.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL
BARONESS FOX OF BUCKLEY

180 After Clause 150, insert the following new Clause –

“Review of the employment tribunal system

- (1) The Secretary of State must commission an independent review of the employment tribunal system.
- (2) The review must consider the operation of the system including its capacity, delays, resourcing, and the expected impact of this Act.
- (3) The review must be carried out no later than three months after the day on which this Act is passed and propose improvements to the system.”

BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL
LORD ABERDARE
LORD KNIGHT OF WEYMOUTH

181 After Clause 150, insert the following new Clause —

“Consideration of apprenticeships in consultations

- (1) In any consultation related to provisions in this Act, the Secretary of State must ensure that due consideration is explicitly given to the impact of such provisions on apprenticeships, specifically in relation to recruitment of young people by small and medium sized businesses.
- (2) For the purposes of this section, “small or medium-sized business” has the meaning given in section 7 of the Small Business, Enterprise and Employment Act 2015.”

Member's explanatory statement

This amendment seeks to ensure that the Secretary of State gives due consideration to the impact on apprenticeships in any consultation carried out in relation to provisions in this Act, such as the consultations proposed in the implementation roadmap: “Implementing the Employment Rights Bill: our roadmap to deliver change”, published in July 2025.

BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL
LORD ABERDARE
LORD KNIGHT OF WEYMOUTH

182 After Clause 150, insert the following new Clause —

“Report: impact of this Act on apprenticeship recruitment

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must publish a report summarising the likely impact of the provisions in this Act on apprenticeship recruitment.
- (2) The report under subsection (1) must use information gathered in consultations carried out before this Act comes into force.
- (3) The Secretary of State must lay the report under subsection (1) before Parliament.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a report summarising the likely impact of the provisions in this Act on apprenticeship recruitment. The report must pull together information gathered in consultations carried out before the Act comes into force, such as consultations under the implementation roadmap: “Implementing the Employment Rights Bill: our roadmap to deliver change”, published in July 2025.

LORD CLEMENT-JONES

183 After Clause 150, insert the following new Clause –

“Rights of dependent contractors

After section 201 of the Employment Rights Act 1996 (Power to extend employment legislation to offshore employment), insert –

“201A Rights of dependent contractors

- (1) A dependent contractor is an individual who –
 - (a) accepts responsibility for the performance of work or services under a contract that is not a contract of employment,
 - (b) such work or services are provided solely or substantially to a single entity that contracts for the supply to it of the same, and
 - (c) such contracting entity is not, by virtue of the contract, a client or customer of any profession or business undertaking carried on by the individual.
- (2) A dependent contractor, as defined in subsection (1), must be entitled to the following statutory rights –
 - (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) pension auto-enrolment,
 - (d) protection from unlawful deductions from pay, and
 - (e) protection against discrimination under applicable equality legislation.
- (3) Any entity contracting with a dependent contractor for the supply or work or services to it must –
 - (a) put in place an insurance backed payment protection scheme that is wholly subsidised by that contracting entity and meets the criteria proscribed by Regulation to the benefit of the dependant contractor, and
 - (b) allow the dependant contractor to temporarily cease provision of the services for any period that mirrors that taken by employees under statutory rights in respect of maternity or paternity leave or bereavement leave.
- (4) The payment protection insurance referred to in subsection (3)(a) above will apply during any such cessation of services.
- (5) 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.

- (6) 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 establishes a category of "dependent contractor" and sets out core statutory rights and protections for individuals who provide services predominantly to a single entity but are not classed as employees.

LORD LEIGH OF HURLEY

184 After Clause 150, insert the following new Clause –

“Consultation on Part 6

- (1) The Secretary of State must initiate a consultation on the effects of the provisions in Part 6 of this Act.
- (2) As part of the consultation under subsection (1), the Secretary of State must ensure that views are specifically sought from at least 500 small and medium-sized enterprises (SMEs).
- (3) The Secretary of State must lay before each House of Parliament, within 18 weeks of the initiation referred to in subsection (1), a report on the outcome of that consultation, including a summary of responses received from SMEs.”

Member's explanatory statement

This amendment requires the Secretary of State to undertake a consultation on the provisions in Part 6 of this Act and to ensure that at least 500 small and medium-sized enterprises (SMEs) are consulted as part of that process.

Clause 156

LORD SHARPE OF EPSOM
LORD LEIGH OF HURLEY

185 Clause 156, page 152, line 32, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on other amendments in the name of Lord Sharpe of Epsom and Lord Leigh of Hurley related to the commencement of Part 4.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

186 Clause 156, page 152, line 34, leave out subsection (2) and insert –

- “(2) Sections 1 to 9, 19 to 26, 27 to 34, 56, 61, 62, 73, 107, 113, 149, Schedules 1 to 3 and Schedule 10 may not be brought into force until –

- (a) the review established in section (*Review of the employment tribunal system*) has been published and laid before Parliament.
- (b) the Government has considered the recommendations made in the review and the Secretary of State has published a plan outlining how and when any accepted recommendations will be implemented.”

Member's explanatory statement

This amendment would prevent the commencement of sections 1 to 9, 19 to 26, 27 to 34, 56, 61, 62, 73, 107, 113, 149, Schedules 1 to 3 and Schedule 10 of the Bill until an independent review of the employment tribunal system has been completed.

LORD LEIGH OF HURLEY

187 Clause 156, page 152, line 34, 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

188 Clause 156, page 152, line 34, leave out subsection (2) and insert –

“(2) No provision of Part 4 of this Act may be brought into force before 1 January 2029.”

Member's explanatory statement

This amendment delays the commencement of Part 4 until 1 January 2029.

LORD LEIGH OF HURLEY

189 Clause 156, page 153, line 23, at end insert –

“(2A) No provision of Part 1 of this Act may be brought into force in accordance with subsection (3) until the report referred to in section (*Consultation on Part 1*) has been published.”

Member's explanatory statement

This amendment makes commencement of Part 1 conditional upon the publication of a report arising from consultation.

LORD LEIGH OF HURLEY

190 Clause 156, page 153, line 23, at end insert –

“(2A) No provision of Part 5 of this Act may be brought into force under subsection (3) until the report referred to in section (*Consultation on labour market enforcement strategy*) has been published.”

Member's explanatory statement

This amendment makes commencement of Part 5 conditional upon the publication of a report arising from consultation.

LORD LEIGH OF HURLEY

191 Clause 156, page 153, line 23, at end insert –

“(2A) No provision of Part 6 of this Act may be brought into force under subsection (3) until the report referred to in section (*Consultation on Part 6*) has been published.”

Member's explanatory statement

This amendment makes commencement of Part 6 conditional upon the publication of a report arising from consultation.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

192 Clause 156, page 153, line 23, at end insert –

“(2A) Sections 1, 9, 26 and 27 may not be brought into force before 1 January 2029.”

Member's explanatory statement

This amendment prevents clauses 1, 9, 26 and 27 of the Bill from coming into force until 1 January 2029.

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

193 Clause 156, page 153, line 25, at end insert “but section 20 may not come into force until 1 October 2027.”

Member's explanatory statement

This amendment prevents Clause 20 from coming into force until October 2027.

After Clause 156

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

194 After Clause 156, insert the following new Clause —

“Repeal

The following provisions of this Act are repealed at the end of the Parliament in which this Act is passed —

- (a) Part 4,
- (b) Part 5,
- (c) section 149, and
- (d) section 150.”

Employment Rights Bill

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

15 July 2025

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