

Employment Rights Bill

AMENDMENTS

TO BE MOVED

ON REPORT

[Supplementary to the Third Marshalled List]

**Amendment
No.**

Clause 71

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

149ZA★ Clause 71, page 98, leave out lines 25 and 26 and insert —

“(b) ending with the tenth day before the starting date, save (and to the extent that) the notice relates to industrial action against an employer that is subject to Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 (as retained); in which case the appropriate period shall end with the 14th day before the starting date.

(4A) In subsection (4), “starting date” means the day, or the first of the days, specified in the relevant notice.”

Member's explanatory statement

This amendment ensures alignment of obligations for UK businesses that are subject to Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 (as retained) to provide compensation when cancelling flights with fewer than 14 days' notice in circumstances that are not “extraordinary”. Such circumstances include airline employees taking industrial action having given the required period of statutory notice, so this amendment retains the notice period of fourteen days in this situation.

After Clause 72

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

150A★ After Clause 72, insert the following new Clause –

“Review of impact on picketing

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, lay before Parliament a report assessing the impact of the repeal of section 220A of the Trade Union and Labour Relations (Consolidation) Act 1992 (union supervision of picketing).
- (2) The report must assess whether the removal of supervision requirements has had any material effect on –
 - (a) the conduct and safety of picketing;
 - (b) the number of legal challenges brought under section 219 (protection from certain tort liabilities);
 - (c) public order and employer relations.”

Member's explanatory statement

This Clause would require the Government to report to Parliament on the effects of repealing section 220A of the Trade Union and Labour Relations (Consolidation) Act 1992, which set out statutory supervision requirements for picketing. The review will assess whether the removal of these safeguards has had any measurable impact on the conduct of picketing, legal disputes under section 219, or broader public order and industrial relations.

Clause 73

LORD SHARPE OF EPSOM
LORD HUNT OF WIRRAL

150B★ Clause 73, page 99, line 23, at end insert –

- “(3A) No act or deliberate failure to act by an employer shall be treated as a detriment where the employer shows that the act or failure was reasonably necessary for the maintenance of business continuity during or immediately following the industrial action in question.”

Member's explanatory statement

This new subsection creates an absolute defence for employers who can demonstrate that any adverse measure taken against a worker during or immediately after lawful industrial action was strictly required to keep the business operating.

After Clause 150

LORD MOYNIHAN OF CHELSEA

184A★ After Clause 150, insert the following new Clause –**“Impact of proposed changes to employment status definitions**

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, publish a report assessing the potential impact of any future proposed changes to employment status definitions arising from this Act on –
 - (a) the autonomy and earnings of self-employed individuals;
 - (b) the ability to work flexibly across multiple platforms;
 - (c) regional labour markets;
 - (d) entrepreneurship;
 - (e) platform investment;
 - (f) parent workers and others with non-standard work-life needs.
- (2) In subsection (1), “platform” means a digital or online service that connects individuals offering services or labour with those seeking to purchase such services or labour.
- (3) Before the Government proposes reform to the definition of employment status arising from this Act, it must first –
 - (a) publish a draft proposal,
 - (b) launch a public consultation lasting no fewer than 12 weeks, and
 - (c) ensure the consultation includes responses from self-employed workers, platform operators, small and medium-sized enterprises, unions, and relevant sector regulators.
- (4) The Secretary of State must publish a response to the consultation within three months of its closure and before presenting final legislative proposals, if any, to Parliament.
- (5) Any such legislative proposals must be accompanied by a detailed impact assessment.”

Member's explanatory statement

This new clause requires the Secretary of State to publish a report within 12 months assessing the potential effects of any future changes to employment status definitions, particularly on self-employed workers.

BARONESS BENNETT OF MANOR CASTLE

184B★ After Clause 150, insert the following new Clause –**“Review of the impact of high temperatures on workplace health and safety**

Within 12 months of the day on which this Act is passed, the Secretary of State must publish a review of the impact of increasing temperatures on workplace health and safety.”

Member's explanatory statement

This amendment seeks to ensure the Government is considering the impact of increasing temperatures due to climate change on the safety and health of workers.

Employment Rights Bill

AMENDMENTS TO BE MOVED ON REPORT

[Supplementary to the Third Marshalled List]

21 July 2025
