

# Employment Rights Bill

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## FOURTH MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON REPORT

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*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 59**

LORD BURNS  
BARONESS FINN  
LORD SHARPE OF EPSOM

**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.*

**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.*

**Clause 72**

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

**149A** Leave out Clause 72

**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.*

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.*

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

**Clause 77**

LORD LEIGH OF HURLEY

**152A** Leave out Clause 77

**Clause 78**

LORD LEIGH OF HURLEY

**152B** Leave out Clause 78

**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.*

**Clause 149**

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

158A Clause 149, page 149, line 32, at end insert “and provides for the early conciliation period to be extended from six weeks to three months”.

***Member's explanatory statement***

*This amendment will ensure that the early conciliation period is proportionate to the extended limitation period for tribunal claims. This is necessary to promote the early resolution of claims and to clearly convey that, from a policy standpoint, there is active support for avoiding litigation.*

**Schedule 12**

LORD SHARPE OF EPSOM  
LORD HUNT OF WIRRAL

158B Schedule 12, page 309, line 10, at end insert –

*“Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014*

- 20 (1) The Schedule to the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014 is amended as follows:
- (2) In rule 6 paragraph (1), for “six weeks” substitute “three calendar months”.
- (3) Sub-paragraph (2) does not apply unless the requirement for early conciliation is satisfied in accordance with rule 1 of the Schedule to the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014.”

***Member's explanatory statement***

*This amendment is consequential on Amendment 158A which provides for the extension of the early conciliation period.*

**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 [Withdrawn]

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.*

## 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.*

**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

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FOURTH MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*22 July 2025*

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