

Employment Rights Bill

MARSHALLED LIST OF MOTIONS AND AMENDMENTS

TO BE MOVED ON CONSIDERATION OF COMMONS REASONS AND AMENDMENTS

[The page and line references are to HL Bill 81, the Bill as first printed for the Lords]

MOTION A

LORDS AMENDMENT 1

Clause 1

- 1** Clause 1, page 2, line 9, at beginning insert “If requested by an employee,”

COMMONS REASON

The Commons disagree to Lords Amendment 1 for the following Reason –

- 1A** *Because it is appropriate for workers who meet the qualifying criteria to receive a guaranteed hours offer without having to make a request for one.*

A **Baroness Lloyd of Effra to move, That this House do not insist on its Amendment 1, to which the Commons have disagreed for their Reason 1A.**

A1 **Lord Fox to move, as an amendment to Motion A, at end insert “, and do propose Amendment 1B in lieu –**

- 1B** Clause 1, page 2, line 14, at end insert –

- “(1A) From the date on which this section comes into force, after the end of each reference period the employer must send the worker a written notice explaining their right to receive a guaranteed hours offer under subsection (1) and giving them the opportunity to decline such an offer.
- (1B) If the worker does not respond to the notice, or responds to confirm that they wish to receive an offer, the employer must make a guaranteed hours offer under subsection (1).

- (1C) A worker who is sent a notice under subsection (1A) may at any time ask not to receive any further notices or offers, after which the employer must not send further notices or make offers under this section.
- (1D) A worker who has asked not to receive notices or offers under subsection (1C) may notify the employer that they wish to start receiving notices and offers again after the end of the next reference period, after which the employer must act in accordance with subsections (1A) and (1B)."

MOTION B

LORDS AMENDMENTS 7 AND 8

Clause 3

7 Clause 3, page 23, line 14, at end insert –

- “(5A) Where notice of cancellation has been given in advance of the short notice period as defined by subsection (6), the employer is not required to make payment under subsection (1).”

COMMONS REASON

The Commons disagree to Lords Amendment 7 for the following Reason –

7A *Because it is unnecessary; the Bill already produces the effect provided for by the amendment.*

8 Clause 3, page 23, line 17, leave out “a specified amount of time” and insert “48 hours”

COMMONS REASON

The Commons disagree to Lords Amendment 8 for the following Reason –

8A *Because defining ‘short notice’ in the Bill would pre-empt consultation and limit the Government’s discretion.*

B **Baroness Lloyd of Effra to move, That this House do not insist on its Amendments 7 and 8, to which the Commons have disagreed for their Reasons 7A and 8A.**

MOTION C

LORDS AMENDMENT 21

After Clause 18

21 After Clause 18, insert the following new Clause –

“Special constables: right to time off for public duties

(1) The Employment Rights Act 1996 is amended as follows.

(2) In section 50 (Right to time off for public duties), after subsection (1) insert –

5 “(1A) An employer shall permit an employee who is a special constable, appointed in accordance with section 27 of the Police Act 1996, section 9 of the Police and Fire Reform (Scotland) Act 2012 or section 25 of the Railways and Transport Safety Act 2003, to take time off during the employee’s working hours for the purpose of performing their duties.

10 (1B) In section (1A), “duties” means any activity under the direction of a chief officer of police.””

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 21 but propose the following Amendments to the Bill in lieu of that Amendment –

21A After Clause 18, insert the following new Clause –

“Review of extent of right to time off for public duties

(1) The Secretary of State must, before the end of the relevant period –

- (a) review the purposes for which employers are required to permit their employees to take time off in accordance with section 50 of the Employment Rights Act 1996 (right to time off for public duties), and
- (b) publish a report setting out the findings of the review.

(2) In carrying out the review, the Secretary of State must, in particular, consider whether employers should be required to permit their employees to take time off in accordance with that section for the purposes of performing the functions of a special constable.

(3) In this section –

“the relevant period” means the period of 12 months beginning with the day on which this Act is passed;

“special constable” means –

- (a) a person appointed as a special constable for a police area in England and Wales,

- (b) a person appointed as a special constable under section 25 of the Railways and Transport Safety Act 2003 (special constables of the British Transport Police Force), or
- (c) a person appointed as a special constable under section 9 of the Police and Fire Reform (Scotland) Act 2012 (asp 8) (special constables of the Police Service of Scotland)."

21B Clause 156, page 150, line 13, at end insert –

“(za) section (*Review of extent of right to time off for public duties*)(review of extent of right to time off for public duties);”

C **Baroness Lloyd of Effra to move, That this House do not insist on its Amendment 21 and do agree with the Commons in their Amendments 21A and 21B in lieu.**

MOTION D

LORDS AMENDMENT 22

After Clause 22

22 After Clause 22, insert the following new Clause –

“Contractual duties of confidentiality relating to harassment and discrimination

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) After section 202 insert –

5 *“Harassment and discrimination: contractual duties of confidentiality*

202A Contractual duties of confidentiality relating to harassment and discrimination

- 10 (1) Any provision in an agreement between an employer and a worker of the employer (whether a worker’s contract or not) is void in so far as it purports to preclude the worker from making –
 - (a) an allegation of, or a disclosure of information relating to, relevant harassment or discrimination, or
 - (b) an allegation, or a disclosure of information, relating to the response of an employer of the worker to –
 - 15 (i) relevant harassment or discrimination, or
 - (ii) the making of an allegation or disclosure within paragraph (a).
- (2) Harassment or discrimination is “relevant” for the purposes of subsection (1) if –

- 20 (a) the harassment or discrimination consists of, or is alleged to consist
of, conduct engaged in by –
 (i) an employer of the worker, or
 (ii) another worker of such an employer, or
- 25 (b) the person who is, or is alleged to be, the victim of the harassment
or discrimination is –
 (i) the worker, or
 (ii) another worker of an employer of the worker.
- 30 (3) Subsection (1) does not apply to provision in an agreement (an “excepted
agreement”) that satisfies such conditions as the Secretary of State may
specify by regulations.
- (4) But the Secretary of State may by regulations provide that any provision
in an excepted agreement is void in so far as it purports to preclude the
worker from making an allegation or disclosure within subsection (1)(a)
or (b) –
- 35 (a) to a specified description of person;
(b) for a specified purpose;
(c) in specified circumstances.
- (5) The Secretary of State may by regulations –
- 40 (a) provide for this section to have effect as if references to a worker
included a specified description of individual who is not a worker
as defined by section 230(3) but who –
 (i) works or worked, or is or was provided with work
 experience or training, in specified circumstances, or
 (ii) has entered into, or works or worked under, a relevant
45 contract of a specified description;
- (b) make provision as to who is to be regarded as an employer of such
an individual for the purposes of this section.
- 50 (6) In subsection (5), “relevant contract” means any contract, other than a
contract of employment, whether express or implied and (if express)
whether oral or in writing, by which an individual undertakes to do or
perform (whether personally or otherwise) any work or services for another
party to the contract whose status is by virtue of the contract that of a client
or customer of any profession or business undertaking carried on by the
individual.
- 55 (7) Regulations under this section may –
 (a) make different provision for different purposes;
 (b) make consequential provision.
- 60 (8) For the purposes of this section, the holding, otherwise than under a
contract of employment, of the office of constable or an appointment as a
police cadet is to be treated as employment by the relevant officer under
a contract of employment.
“The relevant officer” has the meaning given by section 43KA(2).

- (9) Nothing in this section affects the operation of any other enactment or rule of law by virtue of which provision in an agreement may be void.
- 65 (10) In this section –
 “discrimination” means discrimination within section 13, or any of
 sections 15 to 19A, of the Equality Act 2010;
 “harassment” means harassment of the kind described in subsection
 (1), (2) or (3) of section 26 of that Act;
 “specified” means specified in the regulations.”
- 70 (3) In section 192(2) (provisions of Act which have effect in relation to armed forces) –
 (a) omit the “and” at the end of paragraph (e);
 (b) for paragraph (f) substitute –
 “(f) this Part, apart from section 202A, and
 (g) Parts 14 and 15.”
- 75 (4) In section 193 (provisions of Act which do not apply in relation to the security services), for “section 47B” substitute “sections 47B and 202A”.
- (5) In section 194(2) (provisions of Act which have effect in relation to House of Lords staff) –
 (a) omit the “and” at the end of paragraph (g);
 (b) for paragraph (h) substitute –
 “(h) this Part, apart from section 202A, and
 (i) Parts 14 and 15.”
- 80 (6) In section 195(2) (provisions of Act which have effect in relation to House of Commons staff) –
 (a) omit the “and” at the end of paragraph (g);
 (b) for paragraph (h) substitute –
 “(h) this Part, apart from section 202A, and
 (i) Parts 14 and 15.”
- 85 (7) In section 236(3) (regulations subject to affirmative procedure), after “125(7)” insert “, 202A”.
- 90

COMMONS AGREEMENT AND AMENDMENTS

The Commons agree to Lords Amendment 22 and propose the following Amendments to that Amendment –

- 22A** Line 66, leave out from “within” to “of” in line 67 and insert “any of sections 13, 15 to 19A and 21(2)”
- 22B** Line 78, leave out subsections (5) and (6)
- D** **Baroness Lloyd of Effra to move, That this House do agree with the Commons in their Amendments 22A and 22B.**

MOTION E

LORDS AMENDMENTS 23 AND 106 TO 120

Clause 23

23 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.”

COMMONS REASON

The Commons disagree to Lords Amendment 23 for the following Reason –

23A *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person’s employment.*

Schedule 3

106 Schedule 3, page 188, line 25, 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.”.”

COMMONS DISAGREEMENT AND AMENDMENT TO THE WORDS SO RESTORED TO THE BILL

The Commons disagree to Lords Amendment 106 but propose the following Amendment to the words so restored to the Bill –

106A Schedule 3, page 189, line 14, for “(3)” substitute “(6)”

107 Schedule 3, page 190, line 26, 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”

COMMONS REASON

The Commons disagree to Lords Amendment 107 for the following Reason –

- 107A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*
- 108** Schedule 3, page 190, line 30, leave out “on or before the last day of” and insert “during”

COMMONS REASON

The Commons disagree to Lords Amendment 108 for the following Reason –

- 108A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*
- 109** Schedule 3, page 191, line 31, leave out from beginning to end of line 2 on page 192

COMMONS REASON

The Commons disagree to Lords Amendment 109 for the following Reason –

- 109A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*
- 110** Schedule 3, page 192, line 10, leave out paragraphs (b) and (c)

COMMONS REASON

The Commons disagree to Lords Amendment 110 for the following Reason –

- 110A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*
- 111** Schedule 3, page 192, line 20, after “occurs” insert “before the employee has been continuously employed for the period set out in section 108(1) or”

COMMONS REASON

The Commons disagree to Lords Amendment 111 for the following Reason –

- 111A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*
- 112** Schedule 3, page 192, line 26, leave out “for “she has been continuously employed for any period” substitute “the” and insert “after “any period” insert “or the”

COMMONS REASON

The Commons disagree to Lords Amendment 112 for the following Reason –

- 112A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*
- 113** Schedule 3, page 192, line 29, leave out “for “he has been continuously employed for any period” substitute “the” and insert “after “any period” insert “or the”

COMMONS REASON

The Commons disagree to Lords Amendment 113 for the following Reason –

- 113A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*
- 114** Schedule 3, page 192, line 32, leave out sub-paragraphs (3) and (4)

COMMONS REASON

The Commons disagree to Lords Amendment 114 for the following Reason –

- 114A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*
- 115** Schedule 3, page 192, line 39, leave out sub-paragraphs (6) to (10)

COMMONS REASON

The Commons disagree to Lords Amendment 115 for the following Reason –

- 115A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*
- 116** Schedule 3, page 193, line 12, leave out paragraph 7

COMMONS REASON

The Commons disagree to Lords Amendment 116 for the following Reason –

- 116A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*
- 117** Schedule 3, page 193, line 22, leave out sub-paragraph (2)

COMMONS REASON

The Commons disagree to Lords Amendment 117 for the following Reason –

117A *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*

118 Schedule 3, page 193, line 38, leave out paragraphs (b) to (d)

COMMONS REASON

The Commons disagree to Lords Amendment 118 for the following Reason –

118A *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*

119 Schedule 3, page 194, line 1, leave out paragraph 11

COMMONS REASON

The Commons disagree to Lords Amendment 119 for the following Reason –

119A *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*

120 Schedule 3, page 194, leave out lines 11 to 22

COMMONS REASON

The Commons disagree to Lords Amendment 120 for the following Reason –

120A *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*

E **Baroness Lloyd of Effra to move, That this House do not insist on its Amendments 23 and 107 to 120, to which the Commons have disagreed for their Reasons 23A and 107A to 120A, do not insist on its Amendment 106, and do agree with the Commons in their Amendment 106A to the words restored to the Bill by their disagreement with Lords Amendment 106.**

E1★ **Lord Sharpe of Epsom to move, as an amendment to Motion E, leave out from “House” to end and insert “do insist on its Amendments 23 and 106 to 120, and do disagree with the Commons in their Amendment 106A.”**

MOTION F

LORDS AMENDMENT 46

After Clause 26

46 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.”

COMMONS REASON

The Commons disagree to Lords Amendment 46 for the following Reason –

46A *Because it is inappropriate to make changes in the manner proposed to the protections for workers who make protected disclosures and to the duties of employers in relation to such disclosures.*

F **Baroness Lloyd of Effra to move, That this House do not insist on its Amendment 46, to which the Commons have disagreed for their Reason 46A.**

MOTION G

LORDS AMENDMENT 47

47 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.

5 (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”.

10 (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),”.

COMMONS REASON

The Commons disagree to Lords Amendment 47 for the following Reason –

47A *Because requiring employers to permit workers to be accompanied at disciplinary or grievance hearings by persons other than trade union officials or other workers would likely lead to an increase in the cost, complexity and length of such hearings.*

G **Baroness Lloyd of Effra to move, That this House do not insist on its Amendment 47, to which the Commons have disagreed for their Reason 47A.**

G1 **Lord Fox to move, as an amendment to Motion G, at end insert “, and do propose Amendment 47B in lieu –**

47B After Clause 26, insert the following new Clause –

“Report on the right to be accompanied

(1) The Secretary of State must, within six months of the day on which this Act is passed, lay before both Houses of Parliament a report on the feasibility of expanding the statutory right to be accompanied at disciplinary and grievance hearings.

(2) The report must consider in particular –

(a) whether the categories of individuals permitted to act as a companion under section 10(3) of the Employment Relations Act 1999 should be expanded;

- (b) the potential benefits and risks of such expansion for employers and workers;
 - (c) any safeguards that may be necessary in relation to confidentiality, independence, or professional standards of proposed companions;
 - (d) the impact on access to fair representation, particularly for workers not represented by a trade union; and
 - (e) the potential impact of any expansion on individuals with protected characteristics under the Equality Act 2010.
- (3) In preparing the report, the Secretary of State must consult such persons as they consider appropriate, which may include –
- (a) representatives of workers and employers;
 - (b) professional bodies;
 - (c) legal and employment rights experts;
 - (d) organisations with experience of supporting workers in grievance and disciplinary processes;
 - (e) organisations representing individuals with protected characteristics.”

MOTION H

LORDS AMENDMENT 48

48 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.”

COMMONS REASON

The Commons disagree to Lords Amendment 48 for the following Reason –

48A *Because the amendment is unnecessary.*

H **Baroness Lloyd of Effra to move, That this House do not insist on its Amendment 48, to which the Commons have disagreed for their Reason 48A.**

H1★ **Lord Sharpe of Epsom to move, as an amendment to Motion H, at end insert “, and do propose Amendment 48B in lieu –**

48B 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) is carried out in one or more of the following sectors –
 - (i) agriculture and horticulture,
 - (ii) the creative industries, including theatre and live performance,
 - (iii) retail
 - (iv) hospitality,
 - (v) tourism, leisure and events, and
 - (vi) construction and landscaping, and
 - (e) is entered into for a fixed duration not exceeding 26 weeks to meet the temporary demand.
- (3) The Secretary of State may by regulations made by statutory instrument add further sectors to the list in subsection (2)(d), provided that work in those sectors meets the criteria outlined in subsection (2)(a) to (2)(c).
- (4) Regulations under subsection (3) are subject to the affirmative procedure.”

MOTION J

LORDS AMENDMENT 49

49 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.
- 5 (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).
- 10 (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.”

COMMONS REASON

The Commons disagree to Lords Amendment 49 for the following Reason –

49A *Because the amendment is unnecessary.*

J **Baroness Lloyd of Effra to move, That this House do not insist on its Amendment 49, to which the Commons have disagreed for their Reason 49A.**

MOTION K

LORDS AMENDMENT 60

After Clause 54

60 After Clause 54, insert the following new Clause –

“CHAPTER 4

INDUSTRIAL UNDERTAKINGS

Restriction on the employment of children in industrial undertakings

5 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)”.

COMMONS REASON

The Commons disagree to Lords Amendment 60 for the following Reason –

60A *Because the existing legal framework does not prevent children from carrying out suitable voluntary work on heritage railways and tramways.*

K **Baroness Lloyd of Effra to move, That this House do not insist on its Amendment 60, to which the Commons have disagreed for their Reason 60A.**

K1★ **Lord Parkinson of Whitley Bay to move, as an amendment to Motion K, at end insert “, and do propose Amendments 60B and 60C in lieu –**

60B After Clause 54, insert the following new Clause –

“Restriction on the employment of children in industrial undertakings

- (1) The Secretary of State must, on the day this Act is passed, instruct the Office for Rail and Road and the Health and Safety Executive to draw up guidance on the industrial undertakings which they consider are, and are not, appropriate for people under the age of 18 to carry out when employed by or volunteering for a heritage railway or heritage tramway.
- (2) This guidance must take into account –
 - (a) the Employment of Women, Young Persons, and Children Act 1920,
 - (b) the Children and Young Persons Act 1933,
 - (c) the Children and Young Persons (Scotland) Act 1937,
 - (d) the Children and Young Persons Act (Northern Ireland) 1968,
 - (e) the Health and Safety at Work etc. Act 1974,
 - (f) the Management of Health and Safety at Work Regulations 1999, and
 - (g) other relevant legislation.
- (3) The Office for Rail and Road and the Health and Safety Executive must publish this guidance within six months of the day on which this Act is passed.”

60C Clause 156, page 150, line 13, at end insert –

“(za) section (*Restriction on the employment of children in industrial undertakings*) (*restriction on the employment of children in industrial undertakings*);”

MOTION L

LORDS AMENDMENTS 61 AND 72

Clause 59

61 Leave out Clause 59

COMMONS REASON

The Commons disagree to Lords Amendment 61 for the following Reason –

- 61A** *Because it is appropriate to remove the requirement for members of a trade union to opt in to contributing to the political fund of the union.*

Clause 156

- 72** Clause 156, page 150, line 19, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 72 for the following Reason –

- 72A** *Because it is appropriate to remove the requirement for members of a trade union to opt in to contributing to the political fund of the union.*

- L** **Baroness Lloyd of Effra to move, That this House do not insist on its Amendments 61 and 72, to which the Commons have disagreed for their Reasons 61A and 72A.**

- L1** **Lord Burns to move, as an amendment to Motion L, leave out from “House” to end and insert “do insist on its Amendments 61 and 72.”**

MOTION M

LORDS AMENDMENT 62

Clause 65

- 62** Clause 65, page 95, line 12, leave out subsection (2)

COMMONS REASON

The Commons disagree to Lords Amendment 62 for the following Reason –

- 62A** *Because it is appropriate to remove the provision that industrial action is regarded as having the support of a ballot only if at least 50% of those eligible to vote in the ballot did so.*

- M** **Baroness Lloyd of Effra to move, That this House do not insist on its Amendment 62, to which the Commons have disagreed for their Reason 62A.**

- M1★** **Lord Sharpe of Epsom to move, as an amendment to Motion M, leave out from “House” to end and insert “do insist on its Amendment 62.”**

MOTION N

LORDS AMENDMENT 121

Schedule 4

121 Schedule 4, page 195, line 18, at end insert –

- “(3) The SSSNB must not restrict employers from introducing innovative or improved terms and conditions of employment beyond the national framework, provided that such terms meet or exceed any minimum standards set by the SSSNB.”

5

COMMONS REASON

The Commons disagree to Lords Amendment 121 for the following Reason –

121A *Because the Bill already enables employers to offer terms and conditions of employment that are more favourable than those determined by the School Support Staff Negotiating Body.*

N **Baroness Lloyd of Effra to move, That this House do not insist on its Amendment 121, to which the Commons have disagreed for their Reason 121A.**

N1 **Baroness Barran to move, as an amendment to Motion N, at end insert “, and do propose Amendment 121B in lieu –**

121B Schedule 4, page 195, line 18, at end insert –

- “(3) The SSSNB must not restrict employers from introducing terms and conditions of employment beyond the national framework, provided that such terms in aggregate meet or exceed any minimum standards set by the SSSNB and are designed to –
- (a) improve the skill levels of staff,
 - (b) ensure that staff can meet the needs of children,
 - (c) raise standards of support for children, or
 - (d) improve recruitment and retention of support staff.
- (4) In determining whether the terms meet or exceed any minimum standards, none of the following conditions may be considered as breaching the minimum standards –
- (a) CPD and professional development requirements;
 - (b) promotion dependent on securing particular qualifications;
 - (c) working patterns that have pay consequences;
 - (d) role-specific responsibilities including requirements to work with other employees in other schools or locations.
- (5) The Secretary of State may, by regulations, add to the list in subsection (4).”

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27 October 2025

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