

Employment Rights Bill

MARSHALLED LIST OF MOTIONS AND AMENDMENTS TO BE MOVED ON CONSIDERATION OF COMMONS 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.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 1, to which the Commons have disagreed for their Reason 1A, 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)."

COMMONS REASON

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

- 1C** *Because it would weaken workers' rights to guaranteed hours.*

LORDS INSISTENCE

The Lords do insist on their Amendment 1B for Reason 1D.

- 1D** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendment 1B but propose the following Amendments to the Bill in lieu of that Amendment –

- 1E** Clause 1, page 4, line 9, at end insert –

“(10A) Before making –

- (a) the first regulations to be made under subsection (5), the Secretary of State must consult such persons as the Secretary of State considers appropriate about when the initial reference period is to end;
- (b) the first regulations to be made under subsection (6), the Secretary of State must consult such persons as the Secretary of State considers appropriate about when a subsequent reference period is to begin and end.”

- 1F** Schedule 1, page 153, line 28, at end insert –

“(9A) Before making –

- (a) the first regulations to be made under sub-paragraph (5), the Secretary of State must consult such persons as the Secretary of State considers appropriate about when the initial reference period is to end;
- (b) the first regulations to be made under sub-paragraph (6), the Secretary of State must consult such persons as the Secretary of State considers appropriate about when a subsequent reference period is to begin and end.”

- A★** Baroness Lloyd of Effra to move, That this House do not insist on its insistence on Lords Amendment 1B in respect of which the Commons have insisted on their disagreement; and do agree with the Commons in their Amendments 1E and 1F in lieu of Lords Amendment 1B.
- A1★** Lord Fox to move, as an amendment to Motion A, leave out from “disagreement;” to end and insert “do disagree with the Commons in their Amendments 1E and 1F in lieu of Lords Amendment 1B; and do propose Amendments 1G and 1H in lieu of Commons Amendments 1E and 1F—
- 1G** Clause 1, page 3, line 24, at end insert “and that period must be not less than 26 weeks”
- 1H** Schedule 1, page 153, line 13, at end insert “and that period must be not less than 26 weeks”

MOTION B

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.*

LORDS INSISTENCE

The Lords do insist on their Amendments 23 and 106 to 120 for Reason 120B, and do disagree with the Commons in their Amendment 106A.

- 120B** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE, NON-INSISTENCE, AND AMENDMENTS IN LIEU

The Commons insist on their disagreement to Lords Amendments 23 and 106 to 120 but do not insist on their Amendment 106A and propose Amendments 120C, 120D, and 120E to the Bill in lieu of Lords Amendments 23 and 106 to 120 –

- 120C** Schedule 3, page 189, line 14, for “(3)” substitute “(6)”

- 120D** Schedule 3, page 191, line 13, at end insert –

“(6) Before making –

(a) the first regulations to be made under subsection (4), and

(b) the first regulations to be made in reliance on subsection (5)(b),

the Secretary of State must consult such persons as the Secretary of State considers appropriate.””

- 120E** Schedule 3, page 191, line 27, at end insert –

“(5C) Before making the first regulations to be made in reliance on subsection (5A), the Secretary of State must consult such persons as the Secretary of State considers appropriate.””

LORDS INSISTENCE

The Lords do insist on their Amendments 23 and 106 to 120 for Reason 120F, and do disagree with the Commons in their Amendments 120C, 120D and 120E.

- 120F** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE, NON-INSISTENCE, AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendments 23 and 106 to 120 but do not insist on their Amendments 120C, 120D and 120E and propose the following Amendments to the Bill in lieu of Lords Amendments 23 and 106 to 120 –

120G Leave out Clause 23 and insert the following new Clause –

“Right not to be unfairly dismissed: qualifying period and compensatory awards

- (1) Part 10 of the Employment Rights Act 1996 (unfair dismissal) is amended in accordance with subsections (2) and (3).
- (2) In section 108 (qualifying period of employment) –
 - (a) in subsection (1), for “two years” substitute “six months”;
 - (b) in subsection (2), for ““two years”” substitute ““six months””.
- (3) Omit section 124 (limit of compensatory award etc).
- (4) In section 209 of that Act (powers to amend Act), in subsection (5), omit “108(1),”.
- (5) Schedule (*Minor and consequential amendments relating to section (Right not to be unfairly dismissed: qualifying period and compensatory awards)*) contains minor and consequential amendments relating to this section.”

120H Leave out Schedule 3 and insert the following new Schedule –

“SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO SECTION (*RIGHT NOT TO BE UNFAIRLY DISMISSED: QUALIFYING PERIOD AND COMPENSATORY AWARDS*)

Employment Rights Act 1996

- 1 (1) The Employment Rights Act 1996 is amended as follows.
 - (2) In section 92 (right to written statement of reasons for dismissal), in subsection (3), for “two years” substitute “six months”.
 - (3) In section 108 (qualifying period of employment), in subsection (3) –
 - (a) after paragraph (h) insert –

“(ha) section 4(3)(b) of the Rehabilitation of Offenders Act 1974 (read with any order made under section 4(4) of that Act) applies,”;
 - (b) omit paragraphs (k) and (o).
 - (4) In section 117 (enforcement of order for reinstatement or re-engagement and compensation), in subsection (2), for “Subject to section 124, the” substitute “The”.
 - (5) In section 118 (compensation: general), in subsection (1)(b), omit “124,”.
 - (6) In section 123 (compensatory award), in subsection (1), omit “124,”.
 - (7) In section 205A (employee shareholders), in subsection (10), for the words from “where” to the end substitute “where –
 - (a) the dismissal is by reason of any requirement or recommendation that is referred to in section 64(2), or

- (b) the reason (or, if more than one, the principal reason) for the dismissal is, or relates to, the employee's political opinions or affiliations."
- (8) In section 209 (powers to amend Act) —
 - (a) in subsection (2) —
 - (i) in paragraph (e), omit "section 124(1), (2) and (5),";
 - (ii) in paragraph (j), omit ", 124(2)";
 - (b) in subsection (5), omit "92(3),".
- (9) In section 226 (rights on termination), in subsection (3), for ", 121 or 124" substitute "or 121".
- (10) In section 236 (orders and regulations), in subsection (3), omit "124(2),".

Employment Relations Act 1999

- 2 (1) The Employment Relations Act 1999 is amended as follows.
- (2) In section 34 (indexation of amounts, etc) —
 - (a) in subsection (1), omit paragraph (c);
 - (b) omit subsections (4) to (4B).
- (3) In section 37, omit subsection (1).

Enterprise and Regulatory Reform Act 2013

- 3 In the Enterprise and Regulatory Reform Act 2013, omit section 15 (power to increase or decrease limit of compensatory award).

Coronavirus Act 2020

- 4 In Schedule 7 to the Coronavirus Act 2020, omit paragraph 17.

Power to make further consequential amendments

- 5 (1) The provision that may be made under section 151 (power to make consequential amendments) by any regulations that amend a relevant provision in consequence of the repeal of section 124 of the Employment Rights Act 1996 by section (*Right not to be unfairly dismissed: qualifying period and compensatory awards*)(3) includes (among other things) —
 - (a) provision amending section 34 of the Employment Relations Act 1999 for the purpose of applying that section to a relevant sum;
 - (b) provision conferring power on the Secretary of State by regulations to vary a relevant limit, in the same manner and to the same extent as the power conferred by section 15 of the Enterprise and Regulatory Reform Act 2013 to vary the limit imposed by section 124(1) of the Employment Rights Act 1996 (but see sub-paragraph (4));
 - (c) provision that is consequential on provision within paragraph (a) or (b).
- (2) For the purposes of this paragraph —

- (a) “relevant provision” means –
 - (i) a provision listed in sub-paragraph (3), or
 - (ii) any other provision that limits the amount of compensation payable by virtue of the provision by reference to the limit imposed by section 124 of the Employment Rights Act 1996;
 - (b) “relevant sum” means a sum specified in a relevant provision, in consequence of the repeal of that section, for the purposes of limiting the amount of compensation payable by virtue of the provision;
 - (c) “relevant limit” means a limit on the amount of compensation payable by virtue of a relevant provision that is specified in the provision in consequence of that repeal;
 - (d) the reference in sub-paragraph (1)(b) to section 15 of the Enterprise and Regulatory Reform Act 2013 is a reference to that section as it had effect immediately before the coming into force of paragraph 3.
- (3) The provisions referred to in sub-paragraph (2)(a)(i) (each of which limits the amount of compensation payable by virtue of the provision by reference to the limit imposed by section 124 of the Employment Rights Act 1996) are –
- (a) section 67 of the Trade Union and Labour Relations (Consolidation) Act 1992 (right not to be unjustifiably disciplined by trade union: remedies for infringement);
 - (b) section 140 of that Act (remedies for refusal of employment, etc on grounds related to union membership);
 - (c) section 176 of that Act (right not to be excluded or expelled from trade union: remedies);
 - (d) paragraph 160 of Schedule A1 to that Act (trade union recognition: enforcement of right not to be subjected to detriment);
 - (e) section 49 of the Employment Rights Act 1996 (protection from suffering detriment in employment: remedies), so far as relating to subsection (5A), (7), (7A) or (7B) of that section;
 - (f) section 24 of the National Minimum Wage Act 1998 (enforcement of right not to be subjected to detriment), so far as relating to employment tribunals in Great Britain;
 - (g) section 56 of the Pensions Act 2008 (pension scheme membership: enforcement of right not to be subjected to detriment);
 - (h) regulation 4 of the Exclusivity Terms in Zero Hours Contracts (Redress) Regulations 2015 (S.I. 2015/2021) (enforcement of right not to be subjected to detriment);
 - (i) regulation 9 of the Exclusivity Terms for Zero Hours Workers (Unenforceability and Redress) Regulations 2022 (S.I. 2022/1145) (enforcement of right not to be subjected to detriment).
- (4) The power that may be conferred by provision made by virtue of sub-paragraph (1)(b) includes power to specify different amounts in relation to different descriptions of persons by whom compensation is payable by virtue of a relevant provision.

- (5) The power to make regulations under section 151 is to be regarded as including power to make provision amending section 49(7A) or (7B) of the Employment Rights Act 1996, as inserted by paragraph 9 of Schedule 2, in consequence of the repeal of section 124 of the Employment Rights Act 1996 regardless of whether that repeal comes into force before or after the day on which that paragraph is brought into force for any purpose.”

120J Clause 26, page 45, line 30, at end insert –

“(3D) Subsection (1) does not apply in relation to an employee if on the effective date of termination the employee has not yet started work.”

120K As an amendment to Lords Amendment 40, at the end of line 34 insert –

“(2A) Subsection (1) does not apply in relation to an employee if on the effective date of termination the employee has not yet started work.”

120L As an amendment to Lords Amendment 41, leave out “(4) and” and insert “(3D) to”

120M As an amendment to Lords Amendment 42, line 2, leave out “(3) and” and insert “(2A) to”

B★ **Baroness Lloyd of Effra to move, That this House do not insist on its insistence on Lords Amendments 23 and 106 to 120 in respect of which the Commons have insisted on their disagreement; and do agree with the Commons in their Amendments 120G, 120H and 120J to 120M in lieu of Lords Amendments 23 and 106 to 120.**

B1★ **Lord Sharpe of Epsom to move, as an amendment to Motion B, at end insert “and do propose Amendment 120N as an amendment to Commons Amendment 120G and Amendments 120P to 120S as amendments to Commons Amendment 120H –**

120N Leave out subsection (3) and insert –

“(3) In section 124 (limit of compensatory award etc.), after subsection (5), insert –

“(6) The Secretary of State must, within three months of the day on which the Employment Rights Act 2025 is passed, conduct a review of the limit imposed by this section on the amount of the compensation awarded or compensatory award made.

(7) A review under subsection (6) must include a consultation with –

- (a) employers’ organisations,
- (b) trade unions,
- (c) organisations representing employment law practitioners, and
- (d) such other persons as the Secretary of State considers appropriate.”

120P Leave out sub-paragraphs 1(4) to (6)

120Q In sub-paragraph 1(8), leave out paragraph (a)

120R Leave out sub-paragraphs 1(9) and (10)

120S Leave out paragraphs 2 to 5”

MOTION C

LORDS AMENDMENT 48

After Clause 26

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.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 48, to which the Commons have disagreed for their Reason 48A, 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.”

COMMONS REASON

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

48C *Because the amendment is unnecessary.*

LORDS INSISTENCE

The Lords do insist on their Amendment 48B for Reason 48D.

48D *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE AND AMENDMENTS IN LIEU

The Commons insist on their disagreement with the Lords in their Amendment 48B but propose the following Amendments to the Bill in lieu of that Amendment –

48E Clause 1, page 6, line 20, at end insert –

- “(9A) Before making the first regulations to be made under subsection (9)(c) the Secretary of State must consult –
- (a) such persons representing the interests of seasonal workers as the Secretary of State considers appropriate,
 - (b) such persons representing the interests of employers of seasonal workers as the Secretary of State considers appropriate, and
 - (c) such other persons as the Secretary of State considers appropriate.”

48F Schedule 1, page 155, line 11, at end insert –

- “(7ZA) Before making the first regulations to be made under sub-paragraph (7)(c) the Secretary of State must consult –
- (a) such persons representing the interests of agency workers who do seasonal work as the Secretary of State considers appropriate,
 - (b) such persons representing the interests of hirers to whom agency workers are supplied to do seasonal work as the Secretary of State considers appropriate, and
 - (c) such other persons as the Secretary of State considers appropriate.”

C★ **Baroness Lloyd of Effra to move, That this House do not insist on its insistence on Lords Amendment 48B in respect of which the Commons have insisted on their disagreement; and do agree with the Commons in their Amendments 48E and 48F in lieu of Lords Amendment 48B.**

MOTION D

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.*

LORDS INSISTENCE

The Lords do insist on their Amendments 61 and 72 for Reason 72B.

- 72B** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE AND AMENDMENT IN LIEU

The Commons insist on their disagreement to Lords Amendments 61 and 72 but propose Amendment 72C to the Bill in lieu –

- 72C** Clause 59, page 87, line 10, after “case,” insert “the earlier of –
- (i) a day specified in, or determined in accordance with, the rules of the union, and
 - (ii)”

LORDS DISAGREEMENT AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendment 61 and 72, do disagree with the Commons in their Amendment 72C, and do propose Amendments 72D to 72H in lieu –

- 72D** Clause 59, page 86, line 24, leave out from “fund),” to end of line 25, and insert, “for subsection (1)(ca)(i), substitute “a requirement for the person to make a choice (without which the application to join the union cannot be processed) between being a contributor to the fund or not being a contributor to the fund, and”
- 72E** Clause 59, page 86, leave out from beginning of line 28 to end of line 9 on page 88, and insert –

“84 Contributions to political fund from union members

- (1) It is unlawful to require a member of a trade union to make a contribution to the political fund of a trade union if the member has not chosen to become a contributor.
- (2) For the purposes of this Act, a member of a trade union is deemed to have chosen to become a contributor to the political fund of the union if they –
 - (a) are an existing contributor to the political fund immediately before the date on which section 59 of the Employment Rights Act 2025 comes into force,
 - (b) have chosen to be a contributor under the provisions of section 82(1)(ca)(i) or subsection (5), or

- (c) have chosen to become a contributor at a later date by submitting a political fund contribution change form under subsection (8).
- (3) A trade union must give a political fund contribution consent form to each member of the union within the period of eight weeks beginning with the day after the day on which a political resolution is passed by the members of the union under section 73.
- (4) A “political fund contribution consent form” is a form which requires the person to make a choice between being a contributor to the fund or not being a contributor to the fund.
- (5) Any member who is issued with a political fund contribution consent form under subsection (3) shall only be deemed to be a contributor if they have returned the form indicating that they wish to be a contributor.
- (6) A member of a trade union may change their choice about whether to contribute to the political fund at any time.
- (7) A member of a trade union may change their choice about whether to contribute to the political fund by completing a political fund contribution change form provided by their union and –
 - (a) delivering it (either personally or by an authorised agent or by post) at the head office or a branch office of the union;
 - (b) sending it by email to an address that the union has told its members can be used for sending such notices;
 - (c) completing an electronic form provided by the union, and sending it to the union by electronic means in accordance with instructions given by the union;
 - (d) by such other electronic means as may be prescribed.
- (8) A political fund contribution change form takes effect at the end of the period of one month beginning with the day on which it is given.

84A Information to members about changing their choice on contributing to political fund

- (1) A trade union must give a political fund contribution change notice to each member of the union within the period of eight weeks beginning with the end of –
 - (a) the period of one year beginning with the day on which a political resolution is passed, and
 - (b) each successive year,
 unless during that previous year the political resolution is rescinded or otherwise ceases to have effect.
- (2) A “political fund contribution change notice” is a notice stating that –
 - (a) each member of the union has the right to change whether they are a contributor to the political fund of the union, and
 - (b) a member may exercise that right by completing a political fund contribution change form under section 84.

- (3) A political fund contribution change notice must be given in accordance with rules of the union approved for the purpose by the Certification Officer.
- (4) In deciding whether to approve those rules, the Certification Officer must have regard in each case to the existing practice and character of the union.”

72F Clause 59, page 88, line 25, leave out subsections (4) and (5) and insert –

- “(4) The amendments made by subsection (3) apply only after the end of the transition period.
- (5) In subsection (4) “the transition period” means a period of not less than 12 months, starting on the day on which this section comes into force, specified by the Secretary of State in regulations made by statutory instrument.
- (5A) Before making regulations under subsection (5) the Secretary of State must consult –
 - (a) the Certification Officer, and
 - (b) all trade unions that have a political fund.
- (5B) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

72G Clause 59, page 89, line 2, leave out “84(1)” and insert “84(2)”

72H Clause 59, page 89, line 6, leave out paragraph (b)

COMMONS NON-INSISTENCE, DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons do not insist on their Amendment 72C in lieu of Lords Amendments 61 and 72, but disagree with the Lords in their Amendments 72D to 72H in lieu and propose the following further Amendments in lieu of the Lords Amendments –

72J Clause 59, page 87, line 10, after “case,” insert “the earlier of –

- (i) a day specified in, or determined in accordance with, the rules of the union, and
- (ii)”

72K Clause 59, page 87, line 23, at end insert –

- “(7) The Secretary of State must, before the end of the period of three months beginning with the day on which this section comes into force, publish guidance about the kind of provision which the Secretary of State considers it is appropriate for the rules of a trade union to make for the purposes of subsection (4)(b)(i).
- (8) The Secretary of State –
 - (a) may from time to time revise guidance published under subsection (7);
 - (b) must publish any revisions of that guidance.”

- D★** Baroness Lloyd of Effra to move, That this House do not insist on Lords Amendments 72D to 72H, to which the Commons have disagreed; and do agree with the Commons in their Amendments 72J and 72K in lieu of Lords Amendments 72D to 72H.
- D1★** Lord Burns to move, as an amendment to Motion D, leave out from “disagreed;” to end and insert “do disagree with the Commons in their Amendments 72J and 72K in lieu of Lords Amendments 72D to 72H; and do propose Amendments 72L to 72N and 72P to 72R in lieu of Commons Amendments 72J and 72K –
- 72L** Clause 59, page 86, line 24, leave out from “fund),” to end of line 25, and insert “for subsection (1)(ca)(i) substitute –
- (i) a check box allowing the member to opt out of being a contributor to the fund from the start of their membership of the union,”
- 72M** Clause 59, page 86, line 30, after “unless” insert “they have opted out of contributing under section 82(1)(ca)(i) or”
- 72N** Clause 59, page 87, line 12, after “withdraws” insert “an opt-out decision under section 82(1)(ca)(i) or”
- 72P** Clause 59, page 37, line 31, leave out “ten years” and insert “one year”
- 72Q** Clause 59, page 87, line 33, leave out “ten years” and insert “one year”
- 72R** Clause 59, page 87, line 34, leave out “ten years” and insert “one year”

MOTION E

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.*

LORDS INSISTENCE

The Lords do insist on their Amendments 62 for Reason 62B.

- 62B** *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE AND AMENDMENT IN LIEU

The Commons insist on their disagreement to Lords Amendment 62 but propose Amendment 62C to the Bill in lieu –

62C Clause 156, page 151, line 6, at end insert –

- “(5) In deciding whether and when to make regulations under subsection (3) bringing section 65 (industrial action ballots: turnout threshold) into force for any purpose, the Secretary of State must have regard to what effect any provision made after this Act is passed for industrial action ballots to be conducted otherwise than by post has had, or is expected to have, on the proportion of those eligible to vote voting in such ballots.
- (6) In subsection (5) “industrial action ballot” means a ballot for the purposes of section 226 of the Trade Union and Labour Relations (Consolidation) Act 1992 (ballots on industrial action).”

LORDS INSISTENCE

The Lords do insist on their Amendment 62 for Reason 62D, and do disagree with the Commons in their Amendment 62C.

62D *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE, NON-INSISTENCE AND AMENDMENT IN LIEU

The Commons insist on their disagreement with the Lords in their Amendment 62, but do not insist on their Amendment 62C in lieu and propose the following further Amendment to the Bill in lieu of the Lords Amendment –

62E Clause 156, page 151, line 6, at end insert –

- “(5) In deciding whether and when to make regulations under subsection (3) bringing section 65 (industrial action ballots: turnout threshold) into force for any purpose, the Secretary of State must have regard to what effect any provision made after this Act is passed for industrial action ballots to be conducted otherwise than by post has had, or is expected to have, on the proportion of those eligible to vote in such ballots doing so.
- (6) The Secretary of State may not make regulations under subsection (3) bringing section 65 into force for any purpose unless the Secretary of State has laid before Parliament a statement as to how the Secretary of State has had regard to any such effect.
- (7) In subsection (5) “industrial action ballot” means a ballot for the purposes of section 226 of the Trade Union and Labour Relations (Consolidation) Act 1992 (ballots on industrial action).”

- E★** Baroness Lloyd of Effra to move, That this House do not insist on its insistence on Lords Amendment 62 in respect of which the Commons have insisted on their disagreement; and do agree with the Commons in their Amendment 62E in lieu of Lords Amendment 62.
- 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 Amendment 62, and do disagree with the Commons in their Amendment 62E in lieu of Lords Amendment 62.”

Employment Rights Bill

MARSHALLED LIST OF MOTIONS AND AMENDMENTS
TO BE MOVED ON CONSIDERATION OF COMMONS AMENDMENTS

9 December 2025

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