
Report Stage: Friday 27 January 2023

Worker Protection (Amendment of Equality Act 2010) Bill

(Amendment Paper)

This document lists all amendments tabled to the Worker Protection (Amendment of Equality Act 2010) Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New amendments.

New Amendments: 1 to 4

Maria Caulfield

Gov 1

★ Clause 1, page 1, line 1, at end insert—

“(1) The Equality Act 2010 is amended as follows.”

Member's explanatory statement

This amendment is consequential on the amendment in Maria Caulfield's name at page 1, line 11.

Maria Caulfield

Gov 2

★ Clause 1, page 1, line 2, leave out “of the Equality Act 2010”

Member's explanatory statement

This amendment is consequential on the amendment in Maria Caulfield's name at page 1, line 11.

Maria Caulfield

Gov 3

★ Clause 1, page 1, line 11, at end insert—

“(1C) Subsection (1D) applies if and so far as—

(a) a third party harasses B in the course of B's employment,

- (b) the harassment falls within section 26(1) (unwanted conduct related to a relevant protected characteristic) and not within section 26(2) or (3) (unwanted conduct of a sexual nature etc),
 - (c) the conduct constituting the harassment involves a conversation in which B is not a participant, or a speech which is not aimed specifically at B,
 - (d) the conversation or speech involves the expression of an opinion on a political, moral, religious or social matter,
 - (e) the opinion expressed is not indecent or grossly offensive, and
 - (f) the expression of the opinion does not have the purpose of violating B's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
- (1D) For the purposes of subsection (1A)(b), A is not to be treated as having failed to take all reasonable steps to prevent the harassment solely because A did not seek to prevent the expression of the opinion.””

Member's explanatory statement

This amendment makes provision about when an employer can be held liable for the harassment of their employee by a third party. Its effect is that, where relevant conditions are met, employers will not be expected to prevent the expression of opinions in order to avoid liability.

Maria Caulfield

Gov 4

★ Clause 1, page 1, line 11, at end insert—

“(2) In section 109 (liability of employers and principals), after subsection (4) insert—

“(4A) Subsection (4B) applies if and so far as—

- (a) A harasses another employee (C) in the course of C's employment,
 - (b) the harassment falls within section 26(1) (unwanted conduct related to a relevant protected characteristic) and not within section 26(2) or (3) (unwanted conduct of a sexual nature etc),
 - (c) the conduct constituting the harassment involves a conversation in which C is not a participant, or a speech which is not aimed specifically at C,
 - (d) the conversation or speech involves the expression of an opinion on a political, moral, religious or social matter,
 - (e) the opinion expressed is not indecent or grossly offensive, and
 - (f) the expression of the opinion does not have the purpose of violating C's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for C.
- (4B) For the purposes of the defence in subsection (4), B is not to be treated as having failed to take all reasonable steps to prevent the harassment solely because B did not seek to prevent the expression of the opinion.””

Member's explanatory statement

This amendment makes provision about when an employer can be held liable for the harassment of their employee by another employee. Its effect is that, where relevant conditions are met, employers will not be expected to prevent the expression of opinions in order to avoid liability.