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Committee Stage: Thursday 28 November 2024

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## Employment Rights Bill (Amendment Paper)

This document lists all amendments tabled to the Employment Rights 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 Any withdrawn amendments are listed at the end of the document.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.

☆ Amendments which will comply with the required notice period at their next appearance.

New Amendments: NC13 to NC17

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**Justin Madders**

**Gov 6**

Clause 1, page 7, line 7, leave out “(or has most recently been working)”

**Member's explanatory statement**

This amendment is consequential on amendment 10.

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**Justin Madders**

**Gov 7**

Clause 1, page 7, line 10, leave out “(or has most recently been working)”

**Member's explanatory statement**

This amendment is consequential on amendment 10.

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**Justin Madders**

**Gov 8**

Clause 1, page 7, line 16, leave out “(or has most recently been working)”

**Member's explanatory statement**

This amendment is consequential on amendment 10.

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**Justin Madders**

**Gov 9**

Clause 1, page 7, line 19, leave out “(or has most recently been working)”

**Member's explanatory statement**

This amendment is consequential on amendment 10.

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**Justin Madders**

**Gov 10**

Clause 1, page 7, line 20, at end insert—

“(2A) Where a qualifying worker works for an employer under more than one worker’s contract, or in accordance with the terms of more than one arrangement, during—

- (a) the relevant reference period,
- (b) the offer period, or
- (c) the response period,

the references in subsections (1) and (2) to the worker’s contract or (as the case may be) the arrangement are to the worker’s contract under which, or (as the case may be) the arrangement in accordance with the terms of which, the qualifying worker last worked for the employer before the end of the period in question.”

**Member's explanatory statement**

This amendment clarifies which worker’s contract or arrangement needs to be considered, in multiple contract/arrangement cases, when determining whether there has been a relevant termination of a contract or arrangement such that the duty to make a guaranteed hours offer does not apply or a guaranteed hours offer that has been made is to be treated as withdrawn.

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**Justin Madders**

**Gov 11**

Clause 1, page 8, line 7, at end insert—

“(5A) Where, by virtue of subsection (2), a guaranteed hours offer made by an employer to a qualifying worker is treated as having been withdrawn, the employer must, by no later than the end of the response period, give a notice to the qualifying worker stating this to be the case.

(5B) Where, by virtue of regulations under subsection (5)—

- (a) an employer who would otherwise have been subject to the duty imposed by section 27BA(1) in relation to a qualifying worker and a particular reference period is not required to make a guaranteed hours offer to the qualifying worker, or
- (b) a guaranteed hours offer made by an employer to a qualifying worker is treated as having been withdrawn,

the employer must give a notice to the qualifying worker that states which provision of the regulations has produced the effect referred to in paragraph (a) or (b) (as the case may be).

- (5C) A notice under subsection (5B) must be given by an employer to a qualifying worker—
- (a) where it is required to be given by virtue of paragraph (a) of that subsection, by no later than the end of the offer period;
  - (b) where it is required to be given by virtue of paragraph (b) of that subsection, by no later than the end of the response period.
- (5D) The Secretary of State may by regulations make provision about—
- (a) the form and manner in which a notice under subsection (5A) or (5B) must be given;
  - (b) when a notice under subsection (5A) or (5B) is to be treated as having been given."

#### **Member's explanatory statement**

This amendment requires an employer to give a notice to a qualifying worker where the employer's duty to make a guaranteed hours offer to the worker does not apply, or an offer already made is treated as having been withdrawn, as a result of proposed section 27BD(2), or regulations made under proposed section 27BD(5), of the Employment Rights Act 1996.

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**Justin Madders**

**Gov 12**

Clause 1, page 8, leave out lines 8 and 9 and insert—

- "(6) For the purposes of subsection (3)(c) (and subsection (4)(b), which applies subsection (3)(c))—
- (a) subsection (8) of section 27BB (when it is reasonable for a worker's contract to be entered into as a limited-term contract) applies as it applies for the purposes of that section;
  - (b) it is to be presumed, unless the contrary is shown, that it was not reasonable for the worker's contract to have been entered into as a limited-term contract if the work done by the qualifying worker under the worker's contract was of the same or a similar nature as the work done under another worker's contract under which the qualifying worker worked for the employer—
    - (i) where the period in question is the relevant reference period, during that period;
    - (ii) where the period in question is the offer period, during that period or the relevant reference period;
    - (iii) where the period in question is the response period, during that period, the relevant reference period or the offer period."

#### **Member's explanatory statement**

This amendment adds a rebuttable presumption to the existing provision made by proposed section 27BD(6) of the Employment Rights Act 1996. The presumption will apply when determining whether there has been a relevant termination for the purposes of that section such that the duty to make a guaranteed hours offer does not apply or a guaranteed hours offer that has been made is to be treated as withdrawn.

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Justin Madders

Gov 13

Clause 1, page 10, line 11, at end insert—

*“Information*

**27BEA Information about rights conferred by Chapter 2**

- (1) An employer who employs a worker who it is reasonable to consider might become a qualifying worker of the employer in relation to a reference period (whether the initial reference period, or a subsequent reference period, as defined in section 27BA) must take reasonable steps, within the initial information period, to ensure that the worker is aware of specified information relating to the rights conferred on workers by this Chapter.
- (2) An employer who is subject to the duty in subsection (1) in relation to a worker must take reasonable steps to ensure that, after the end of the initial information period, the worker continues to have access to the specified information referred to in that subsection at all times when—
  - (a) the worker is employed by the employer, and
  - (b) it is reasonable to consider that the worker might become (or might again become) a qualifying worker of the employer in relation to a reference period.
- (3) “The initial information period”, in relation to a worker and the worker’s employer, means the period of two weeks beginning with—
  - (a) where the worker is employed by the employer on the day on which section 27BA(1) comes into force (“the commencement day”), the commencement day, or
  - (b) where the worker is not so employed, the first day after the commencement day on which the worker is employed by the employer.
- (4) But where, on the day referred to in subsection (3)(a) or (b), it was not reasonable to consider that the worker might become a qualifying worker of the employer in relation to any reference period, subsection (3) is to be read as if it provided for the “initial information period” to mean the period of two weeks beginning with the day on which it becomes reasonable so to consider.

*Enforcement”*

**Member's explanatory statement**

This amendment imposes a duty on employers to ensure workers who have the potential to qualify for a guaranteed hours offer are aware of, and continue to have access to, certain information (to be specified in regulations).

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**Justin Madders**

**Gov 14**

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

- “(4A) A worker may present a complaint to an employment tribunal that the worker’s employer—
- (a) has failed to give to the worker a notice under section 27BD(5A) or (5B);
  - (b) has given to the worker a notice under section 27BD(5A) or (5B)(b) in circumstances in which the employer should not have done so;
  - (c) has given to the worker a notice in purported compliance with section 27BD(5B) that does not refer to any provision of the regulations or refers to the wrong provision.”

**Member's explanatory statement**

This amendment is consequential on amendment 11.

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**Justin Madders**

**Gov 15**

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

- “(4B) A worker may present a complaint to an employment tribunal that the worker’s employer has failed to comply with—
- (a) the duty imposed by section 27BEA(1);
  - (b) the duty imposed by section 27BEA(2).”

**Member's explanatory statement**

This amendment is consequential on amendment 13.

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**Justin Madders**

**Gov 16**

Clause 1, page 11, line 18, leave out “three” and insert “six”

**Member's explanatory statement**

This amendment would increase the time limit for bringing proceedings under the new section 27BF(1) of the Employment Rights Act 1996 from three months to six months.

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**Justin Madders**

**Gov 17**

Clause 1, page 11, line 22, leave out “three” and insert “six”

**Member's explanatory statement**

This amendment would increase the time limit for bringing proceedings under the new section 27BF(2) of the Employment Rights Act 1996 from three months to six months.

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**Justin Madders**

**Gov 18**

Clause 1, page 11, line 26, leave out “three” and insert “six”

**Member's explanatory statement**

This amendment would increase the time limit for bringing proceedings under the new section 27BF(3) of the Employment Rights Act 1996 from three months to six months.

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**Justin Madders**

**Gov 19**

Clause 1, page 11, line 28, at end insert—

“(3A) An employment tribunal must not consider a complaint under section 27BF(4A)(a) relating to a notice unless it is presented before the end of the period of six months beginning with the day after the day on or before which the notice should have been given (see section 27BD(5A) and (5C)).

(3B) An employment tribunal must not consider a complaint under section 27BF(4A)(b) or (c) relating to a notice unless it is presented before the end of the period of six months beginning with the day after the day on which the notice is given.”

**Member's explanatory statement**

This amendment is consequential on amendment 14.

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**Justin Madders**

**Gov 20**

Clause 1, page 11, line 28, at end insert—

“(3C) An employment tribunal must not consider a complaint under section 27BF(4B)(a) unless it is presented before the end of the period of six months beginning with the day after the last day of the initial information period (see section 27BEA(3) and (4)).

(3D) An employment tribunal must not consider a complaint under section 27BF(4B)(b) unless it is presented before the end of the period of six months beginning with the day on which the worker first becomes aware of the failure to which the complaint relates.”

**Member's explanatory statement**

This amendment is consequential on amendment 15.

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**Justin Madders**

**Gov 21**

Clause 1, page 11, line 30, leave out “this section” and insert “section 27BF”

**Member's explanatory statement**

This amendment corrects an incorrect section reference.

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**Justin Madders**

**Gov 22**

Clause 1, page 11, line 31, leave out "three" and insert "six"

**Member's explanatory statement**

This amendment is consequential on amendments 16, 17 and 18.

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**Justin Madders**

**Gov 23**

Clause 1, page 11, line 36, leave out "(3)" and insert "(3D)"

**Member's explanatory statement**

This amendment is consequential on amendment 20.

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**Justin Madders**

**Gov 24**

Clause 2, page 13, line 42, leave out "from what time on which day" and insert "when the shift is to start and end"

**Member's explanatory statement**

This amendment requires notice of a shift to include when the shift is to end (as well as how many hours are to be worked and from when).

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**Justin Madders**

**Gov 25**

Clause 2, page 14, line 11, leave out from "employer" to end of line 13 and insert "consisting of—

- (i) a change to when the shift is to start or end;
- (ii) a reduction in the number of hours to be worked during the shift because of a break in the shift;"

**Member's explanatory statement**

This amendment accounts for the possibility of a shift being changed by hours being cut from the middle of the shift.

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**Justin Madders**

**Gov 26**

Clause 2, page 14, line 26, leave out from "of" to second "is" and insert "any other change to a shift"

**Member's explanatory statement**

This amendment is consequential on amendment 25.

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**Justin Madders**

**Gov 27**

Clause 2, page 15, line 13, leave out from "change" to end of line 14 and insert "consisting of—

- (i) a change to when the shift is to start or end;
- (ii) a reduction in the number of hours to be worked during the shift because of a break in the shift,"

**Member's explanatory statement**

This amendment is consequential on amendment 25.

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**Justin Madders**

**Gov 28**

Clause 2, page 16, line 4, leave out "three" and insert "six"

**Member's explanatory statement**

This amendment would increase the time limit for bringing proceedings under the new section 27BM of the Employment Rights Act 1996 from three months to six months.

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**Justin Madders**

**Gov 29**

Clause 2, page 16, line 20, leave out "three" and insert "six"

**Member's explanatory statement**

This amendment is consequential on amendment 28.

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**Justin Madders**

**Gov 30**

Clause 3, page 18, leave out lines 7 to 19 and insert—

- "(b) in relation to the movement of a shift, or the movement and curtailment (at the same time) of a shift, notice given less than a specified amount of time before the earlier of—
  - (i) when the shift would have started (if the shift had not been moved, or moved and curtailed), and
  - (ii) when the shift is due to start (having been moved, or moved and curtailed);
- (c) in relation to the curtailment of a shift where there is a change to when the shift is to start (but there is no movement of the shift), notice given less than a specified amount of time before the earlier of—



- (i) when the shift would have started (if there had not been the change), and
- (ii) when the shift is due to start (the change having been made);
- (d) in relation to the curtailment of a shift where there is no change to when the shift is to start, notice given—

**Member's explanatory statement**

This amendment has the effect of clarifying what "short notice" means for the purposes of proposed Chapter 4 of Part 2A of the Employment Rights Act 1996 in cases where a shift is both moved and curtailed and makes associated drafting changes to the definition of "short notice".

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**Justin Madders****Gov 31**

Clause 3, page 19, leave out lines 5 to 18 and insert—

- "(a) where the shift is cancelled, the amount of remuneration to which the worker would have been entitled had they worked the hours that will not be worked because of the cancellation;
- (b) where the shift is moved, or moved and curtailed (at the same time), and no part of the shift as moved, or as moved and curtailed, corresponds to the time of the shift ("the original shift") before it was moved, or moved and curtailed, the amount of remuneration to which the worker would have been entitled had they worked the original shift;
- (c) where the shift is moved, or moved and curtailed (at the same time), and part of the shift as moved, or as moved and curtailed, corresponds to the time of the original shift (but part does not), the amount of remuneration to which the worker would have been entitled had they worked the part of the original shift that does not correspond to the shift as moved, or as moved and curtailed;
- (d) where the shift is—
  - (i) curtailed but not moved, or
  - (ii) moved and curtailed (at the same time) and the shift as moved and curtailed is to start and end within the time of the original shift,

the amount of remuneration to which the worker would have been entitled had they worked the hours that will not be worked because of the curtailment, or the movement and curtailment."

**Member's explanatory statement**

This amendment has the effect of clarifying the maximum amount of a payment that can be specified in regulations under proposed section 27BO(1) of the Employment Rights Act 1996 in cases where there is a combined short notice movement and curtailment of a shift and makes associated drafting changes to the amended provision.

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**Justin Madders**

**Gov 32**

Clause 3, page 21, leave out lines 3 to 13 and insert—

- “(a) where a shift has been cancelled, the hours that would have been worked if the shift had not been cancelled;
- (b) where a shift has been moved, or moved and curtailed (at the same time), and no part of the shift as moved, or as moved and curtailed, corresponds to the time of the shift (“the original shift”) before it was moved, or moved and curtailed, the hours that would have been worked during the original shift;
- (c) where a shift has been moved, or moved and curtailed (at the same time), and part of the shift as moved, or as moved and curtailed, corresponds to the time of the original shift (but part does not), the hours that would have been worked during the part of the original shift that does not correspond to the shift as moved, or as moved and curtailed;
- (d) where a shift has been—
  - (i) curtailed but not moved, or
  - (ii) moved and curtailed (at the same time) and the shift as moved and curtailed is to start and end within the time of the original shift,the hours that would have been worked if the shift had not been curtailed, or moved and curtailed.”

**Member's explanatory statement**

This amendment has the effect of clarifying the hours to which a payment under proposed section 27BO(1) of the Employment Rights Act 1996 relates in cases where there is a combined short notice movement and curtailment of a shift and makes associated drafting changes to the amended provision.

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**Justin Madders**

**Gov 33**

Clause 3, page 21, line 26, leave out “three” and insert “six”

**Member's explanatory statement**

This amendment would increase the time limit for bringing proceedings under the new section 27BS(1)(a) of the Employment Rights Act 1996 from three months to six months.

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**Justin Madders**

**Gov 34**

Clause 3, page 21, line 31, leave out “three” and insert “six”

**Member's explanatory statement**

This amendment would increase the time limit for bringing proceedings under the new section 27BS(1)(b) of the Employment Rights Act 1996 from three months to six months.

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**Justin Madders**

**Gov 35**

Clause 3, page 21, line 36, leave out “three” and insert “six”

**Member's explanatory statement**

This amendment would increase the time limit for bringing proceedings under the new section 27BS(1)(c) of the Employment Rights Act 1996 from three months to six months.

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**Justin Madders**

**Gov 36**

Clause 3, page 21, line 40, leave out “three” and insert “six”

**Member's explanatory statement**

This amendment is consequential on amendments 33, 34 and 35.

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**Justin Madders**

**Gov 37**

Clause 3, page 22, line 11, after “must” insert “—

- (a) make a declaration to that effect, and
- (b)”

**Member's explanatory statement**

This amendment and amendment 38 require an employment tribunal that finds a complaint under proposed section 27BS of the Employment Rights Act 1996 well-founded to make a declaration to that effect.

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**Justin Madders**

**Gov 38**

Clause 3, page 22, line 15, after “tribunal” insert “—

- (a) must make a declaration to that effect, and
- (b)”

**Member's explanatory statement**

See the explanatory statement for amendment 37.

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**Justin Madders**

**Gov 39**

Clause 3, page 22, line 16, leave out “of a specified amount to the worker” and insert “to the worker of such amount, not exceeding the specified amount, as the tribunal considers just and equitable in all the circumstances”

**Member's explanatory statement**

This amendment has the effect of providing an employment tribunal with discretion, up to an amount to be specified in regulations, as to the size of a monetary award in respect of a complaint

under proposed section 27BS(1)(b) or (c) of the Employment Rights Act 1996 (rather than there only being discretion as to whether a monetary award is made, but not the amount).

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**Justin Madders**

**Gov 40**

Clause 3, page 22, leave out lines 18 to 20 and insert “(2)(b) relating to a notice given in purported compliance with section 27BQ(2) if the tribunal makes an order under subsection (1)(b) relating to the same payment to which the notice related.”

**Member's explanatory statement**

This amendment has the effect of removing from proposed section 27BT(3) of the Employment Rights Act 1996 reference to a scenario that could not arise (because an employment tribunal could not make an order under both section 27BT(1) and (2) if no notice had been given).

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**Justin Madders**

**Gov 41**

Clause 3, page 22, line 20, at end insert—

“(4) In determining—

(a) whether to make an order under subsection (2)(b), and

(b) if so, how much to order the employer to pay,

an employment tribunal must have regard, in particular, to the seriousness of the matter complained of.”

**Member's explanatory statement**

This amendment supplements amendment 39.

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**Justin Madders**

**Gov 42**

Clause 4, page 23, leave out lines 34 to 39

**Member's explanatory statement**

This amendment is consequential on NC11.

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**Justin Madders**

**Gov 43**

Schedule 1, page 106, line 8, at end insert—

“In section 27 (meaning of “wages” for purposes of Part 2 of the Act), in subsection (1)—

(a) after the paragraph (ce) inserted by the Neonatal Care (Leave and Pay) Act 2023 insert—

“(cf) a payment under section 27BO(1) of this Act (payment for a cancelled, moved or curtailed shift),”;

- (b) renumber the paragraph (ce) inserted by the Employment (Allocation of Tips) Act 2023 as paragraph (cg)."

**Member's explanatory statement**

This amendment provides for a payment under proposed section 27BO(1) of the Employment Rights Act 1996 in respect of a short-notice cancellation, movement or curtailment of a shift to be treated as "wages" for the purposes of the provision about protection of wages in Part 2 of that Act.

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**Justin Madders**

**Gov 44**

Schedule 1, page 107, line 10, after "27BA(1)" insert "or 27BD(5A) or (5B)"

**Member's explanatory statement**

This amendment is consequential on amendments 11 and 14.

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**Justin Madders**

**Gov 45**

Schedule 1, page 107, line 10, after "27BA(1)" insert "or 27BEA(1) or (2)"

**Member's explanatory statement**

This amendment is consequential on amendment 13.

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**Justin Madders**

**Gov 46**

Schedule 1, page 107, line 16, at end insert—

- "(4A) A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the worker's employer done on the ground that—
- (a) the duty imposed by section 27BA(1) applies to the employer in relation to the worker and a particular reference period, or
  - (b) the employer believes that that duty so applies."

**Member's explanatory statement**

This amendment ensures that a worker's right not to be subjected to detriment includes a case of detriment on the ground that the worker is, or the employer believes the worker is, entitled to a guaranteed hours offer under proposed new section 27BA of the Employment Rights Act 1996.

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**Justin Madders**

**Gov 47**

Schedule 1, page 107, line 29, at end insert—

- "(7) In this section "reference period" has the same meaning as in Chapter 2 of Part 2A (see section 27BA(4))."

**Member's explanatory statement**

This amendment is consequential on amendment 46.

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**Justin Madders**

**Gov 48**

Schedule 1, page 107, line 37, at end insert—

“(2A) In subsection (2), for “and (6)” substitute “, (6), (7) and (7A)”.”

**Member's explanatory statement**

This amendment makes technical changes to section 49 of the Employment Rights Act 1996. The reference to subsection (7A) is consequential on amendment 49.

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**Justin Madders**

**Gov 49**

Schedule 1, page 107, line 39, leave out from beginning to end of line 11 on page 108 and insert—

“(7A) Where—

- (a) the complaint is made under section 48(1BA),
- (b) the detriment to which the worker is subjected is the termination of the worker's contract, and
- (c) that contract is not a contract of employment,

any compensation must not exceed the compensation that would be payable under Chapter 2 of Part 10 if the worker had been an employee and had been dismissed for a reason specified in section 104BA.”

**Member's explanatory statement**

This amendment relates to the maximum award of compensation by an employment tribunal in a detriment claim under section 48(1BA) of the Employment Rights Act 1996. The change achieved by the amendment is that the maximum award in cases involving the termination of an arrangement that is not a worker's contract is at the tribunal's discretion.

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**Justin Madders**

**Gov 50**

Schedule 1, page 108, line 34, at end insert “or the employer believes that that duty so applies, and”

**Member's explanatory statement**

This amendment extends proposed section 104BA(3) of the Employment Rights Act 1996 (dismissal is unfair if done to avoid giving a worker a guaranteed hours offer to which the worker is entitled under proposed section 27BA of that Act) to a case where an employer believes a worker is entitled to such an offer.

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**Justin Madders**

**Gov 51**

Schedule 1, page 108, leave out lines 39 to 41

**Member's explanatory statement**

This amendment removes a requirement about the timing of a dismissal from proposed section 104BA(3) of the Employment Rights Act 1996.

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**Justin Madders**

**Gov 52**

Schedule 1, page 109, leave out line 1

**Member's explanatory statement**

This amendment is consequential on amendment 51.

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**Justin Madders**

**Gov 53**

Schedule 1, page 109, line 30, leave out "last" and insert "latest"

**Member's explanatory statement**

This amendment and amendment 54 concern the calculation of a week's pay for the purposes of an award of compensation by an employment tribunal following a complaint under proposed section 27BF of the Employment Rights Act 1996. The amendments ensure that the rules work for all such complaints.

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**Justin Madders**

**Gov 54**

Schedule 1, page 109, line 31, at end insert "on which the worker was employed by the employer under a worker's contract"

**Member's explanatory statement**

See the explanatory statement for amendment 53.

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**Sarah Gibson**

**5**

Schedule 2, page 112, line 23, leave out from "period" to the end of line 24 and insert "of not less than 3 months and not more than 9 months from the day on which the employee starts work."

**Member's explanatory statement**

This amendment will ensure that the initial period of employment is between 3 and 9 months.

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**Justin Madders**

**Gov 55**

Schedule 2, page 112, line 36, at end insert—

“3A In section 15 of the Enterprise and Regulatory Reform Act 2013 (power by order to increase or decrease limit of compensatory award), after subsection (5) insert—

“(5A) The power conferred by subsection (1) includes power to provide that, in the case of the dismissal of an employee that meets the conditions in section 98ZZA(2) and (3) of the Employment Rights Act 1996 (dismissal during initial period of employment), the limit imposed for the time being by subsection (1) of section 124 of that Act is a different amount from that otherwise imposed by that subsection.

(5B) Subsections (3), (4)(a) and (5) do not apply for the purposes of specifying the amount of the limit in such a case.””

**Member's explanatory statement**

This amendment would enable the Secretary of State to specify the maximum amount of the compensatory award available where an employment tribunal finds that an employee has been unfairly dismissed during the initial period of employment provided for by new section 98ZZA of the Employment Rights Act 1996.

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**Justin Madders**

**Gov 56**

Schedule 2, page 114, line 20, at beginning insert—

“(1) The Employment Relations Act 1999 is amended as follows.”

**Member's explanatory statement**

See the explanatory statement for amendment 57.

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**Justin Madders**

**Gov 57**

Schedule 2, page 114, line 23, at end insert—

“(3) In section 34 (indexation of amounts, etc)—

(a) in subsection (1)(c), for “124(1)” substitute “124”;

(b) omit subsection (4);

(c) in subsection (4A), for “124(1)” substitute “124”;

(d) in subsection (4B)—

(i) for “124(1)” substitute “124”;

(ii) after “1996” insert “in relation to cases of any description”;

(iii) for the words from “such a sum” to “that date” substitute “, with effect from a day within 12 months before that date, a sum specified in that section in relation to cases of that description”.”



**Member's explanatory statement**

This amendment and amendment 56 are consequential on amendment 55.

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**Justin Madders**

**Gov 58**

Clause 23, page 34, line 27, at end insert—

- “(3A) In section 197 (power to vary provisions), in subsection (1)—
- (a) in paragraph (a), for “188(2)” substitute “188(1A)”;
  - (b) in the words after paragraph (b), for “188(2)” substitute “188(1A)”.”

**Member's explanatory statement**

This amendment would correct incorrect cross-references in section 197 of the Trade Union and Labour Relations (Consolidation) Act 1992.

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**Justin Madders**

**Gov 59**

Clause 25, page 36, line 14, leave out subsection (2) and insert—

- “(2) After Part 5 insert—

**“PART 5A**

OUTSOURCING: PROTECTION OF WORKERS

**83A Application of this Part**

- (1) This Part provides for a Minister of the Crown, the Scottish Ministers and the Welsh Ministers to make provision for the protection of workers in relation to relevant outsourcing contracts (see section 83B).
- (2) Accordingly, in this Part, “appropriate authority”—
  - (a) means—
    - (i) a Minister of the Crown,
    - (ii) the Scottish Ministers, or
    - (iii) the Welsh Ministers, and
  - (b) does not include a Northern Ireland department.
- (3) In addition to the restrictions in section 113, a Minister of the Crown—
  - (a) may exercise a power under this Part for the purpose of regulating devolved Scottish authorities only in relation to joint or centralised procurement under a reserved procurement arrangement;
  - (b) may not exercise a power under this Part for the purpose of regulating joint or centralised procurement under a devolved Scottish procurement arrangement.
- (4) The Scottish Ministers—

- (a) may only exercise a power under this Part for the purpose of regulating—
    - (i) devolved Scottish authorities, or
    - (ii) procurement under a devolved Scottish procurement arrangement;
  - (b) may not exercise a power under this Part for the purpose of regulating—
    - (i) joint or centralised procurement under a reserved procurement arrangement, or
    - (ii) joint or centralised procurement under a devolved Welsh procurement arrangement.
- (5) In addition to the restrictions in section 111, the Welsh Ministers—
  - (a) may exercise a power under this Part for the purpose of regulating devolved Scottish authorities only in relation to joint or centralised procurement under a devolved Welsh procurement arrangement;
  - (b) may not exercise a power under this Part for the purpose of regulating joint or centralised procurement under a devolved Scottish procurement arrangement.
- (6) This Part does not apply in relation to—
  - (a) a private utility;
  - (b) a person referred to in regulation 4(1)(b) of the Utilities Contracts (Scotland) Regulations 2016 (S.S.I. 2016/49);
  - (c) a devolved Welsh authority listed in Schedule 1 of the Social Partnership and Public Procurement (Wales) Act 2023 (asc 1);
  - (d) procurement under a transferred Northern Ireland procurement arrangement, except to the extent that the procurement—
    - (i) is carried out by a devolved Scottish authority, and
    - (ii) is not joint or centralised;
  - (e) a transferred Northern Ireland authority, except in relation to—
    - (i) procurement under a reserved procurement arrangement,
    - (ii) procurement under a devolved Scottish procurement arrangement, or
    - (iii) procurement under a devolved Welsh procurement arrangement.
- (7) For the purposes of this section, procurement under a procurement arrangement is “joint or centralised” if as part of that procurement arrangement a contract is to be awarded following a procedure or other selection process carried out—
  - (a) jointly by a devolved Scottish authority and another contracting authority which is not a devolved Scottish authority, or
  - (b) by a centralised procurement authority or equivalent body.

**83B Relevant outsourcing contracts**

- (1) In this Part, “relevant outsourcing contract” means a contract in relation to which conditions A to C are met.
- (2) Condition A is met where the contract—
  - (a) is a public contract under this Act, or
  - (b) is a contract regulated by Scottish procurement legislation.
- (3) Condition B is met where the contract—
  - (a) is a contract for the supply of services that include the performance of functions that are or have previously been performed by the contracting authority, or
  - (b) is—
    - (i) in the case of a public contract, a framework for the future award of a contract referred to in paragraph (a), or
    - (ii) in the case of a contract regulated by Scottish procurement legislation, a framework agreement the purpose of which is to establish the terms governing a contract referred to in paragraph (a).
- (4) Condition C is met where the functions referred to in subsection (3)(a) are, or are expected to be, performed by individuals (“transferring workers”) who—
  - (a) in performing the functions, are employed by the supplier or a sub-contractor under a worker’s contract, and
  - (b) were employed by the contracting authority under a worker’s contract in performing functions of the same kind.
- (5) For the purposes of this Part—
  - (a) “contract regulated by Scottish procurement legislation” means a contract the procurement of which by a devolved Scottish authority is regulated by Scottish procurement legislation;
  - (b) in relation to a contract regulated by Scottish procurement legislation—
    - (i) “contracting authority” means a devolved Scottish authority that is a contracting authority within the meaning of the relevant Scottish procurement legislation;
    - (ii) “framework agreement” has the same meaning as in the relevant Scottish procurement legislation;
    - (iii) “supplier” means an economic operator within the meaning of the relevant Scottish procurement legislation;
    - (iv) “the relevant Scottish procurement legislation” means the Scottish procurement legislation regulating the procurement of the contract.

**83C Power to specify provision for inclusion in relevant outsourcing contracts**

- (1) An appropriate authority may by regulations specify provision to be included in a relevant outsourcing contract for the purpose of ensuring that—
  - (a) transferring workers of a specified description are treated no less favourably as workers of the supplier or a sub-contractor than they were as workers of the contracting authority, and
  - (b) workers of the supplier or a sub-contractor who are not transferring workers and are of a specified description are treated no less favourably than those transferring workers.
- (2) In carrying out the procurement of a relevant outsourcing contract, the contracting authority must—
  - (a) take all reasonable steps to ensure that provision specified under subsection (1) is included in the contract;
  - (b) where provision specified under subsection (1) is included in the contract, take all reasonable steps to secure that such provision is complied with.
- (3) Subsection (2) does not apply—
  - (a) where the contracting authority or the relevant outsourcing contract is of a specified description, or
  - (b) in specified circumstances.
- (4) In this section, “specified” means specified in regulations made by an appropriate authority.

**83D Code of practice on relevant outsourcing contracts**

- (1) An appropriate authority must prepare and publish a code of practice containing guidance to contracting authorities for the purpose of ensuring that, where a contracting authority carries out the procurement of a relevant outsourcing contract—
  - (a) transferring workers of a description specified in the code are treated no less favourably as workers of the supplier or a sub-contractor than they were as workers of the contracting authority, and
  - (b) workers of the supplier or a sub-contractor who are not transferring workers and are of a description specified in the code are treated no less favourably than those transferring workers.
- (2) An appropriate authority—
  - (a) may amend or replace a code published by it under subsection (1), and
  - (b) must publish any amended or replacement code.
- (3) A code published under subsection (1) or (2) must—
  - (a) in the case of a code published by a Minister of the Crown, be laid before Parliament;

- (b) in the case of a code published by the Scottish Ministers, be laid before the Scottish Parliament;
  - (c) in the case of a code published by the Welsh Ministers, be laid before Senedd Cymru.
- (4) In carrying out the procurement of a relevant outsourcing contract, the contracting authority must have regard to the code of practice for the time being published under subsection (1) or (2).
- (5) This section does not require an appropriate authority to do anything which the authority does not have power to do (see section 83A and Part 11).

### **83E Interpretation of this Part**

- (1) In this Part—
- “appropriate authority” has the meaning given in section 83A(2);
  - “contract regulated by Scottish procurement legislation” has the meaning given in section 83B(5)(a);
  - “relevant outsourcing contract” has the meaning given in section 83B;
  - “transferring worker”, in relation to a relevant outsourcing contract, has the meaning given in section 83B(4);
  - “worker” and “worker’s contract” have the same meaning as in the Employment Rights Act 1996 (see section 230 of that Act).
- (2) For the purposes of this Part, in relation to a contract regulated by Scottish procurement legislation, “contracting authority”, “framework agreement”, “supplier” and “the relevant Scottish procurement legislation” have the meaning given in section 83B(5)(b).

### **83F Power of Scottish Ministers to amend this Part**

The Scottish Ministers may by regulations modify section 83A, 83B or 83E in consequence of a modification of Scottish procurement legislation.””

#### **Member's explanatory statement**

This amendment would restructure the new provisions to be inserted into the Procurement Act 2023 so that the powers and duties extend to the Scottish Ministers and Welsh Ministers and devolved Scottish and Welsh authorities. The amendment also clarifies that the duty to publish a code of practice does not depend on the making of the regulations.

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**Justin Madders**

**Gov 60**

Clause 25, page 37, line 33, at end insert—

“(2A) In section 2 (contracting authorities), after subsection (1) insert—

“(1A) But see also section 83B(5)(b)(i) (which provides for “contracting authority” to have an extended meaning in relation to certain contracts regulated under Part 5A (outsourcing: protection of workers)).”

**Member's explanatory statement**

See the explanatory statement to amendment 59.

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**Justin Madders**

**Gov 61**

Clause 25, page 37, line 34, leave out subsection (3)

**Member's explanatory statement**

See the explanatory statement to amendment 59 - because the new provisions are now being inserted as a new Part of the Procurement Act 2023, there is no longer any need to amend section 100 of that Act.

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**Justin Madders**

**Gov 62**

Clause 25, page 38, line 3, leave out subsection (4) and insert—

“(4) In section 122 (regulations)—

(a) in subsection (4) (regulations by Ministers of the Crown subject to affirmative procedure), after paragraph (i) insert—

“(ia) section 83C (provision for inclusion in relevant outsourcing contracts);”

(b) in subsection (10) (regulations by Welsh Ministers subject to affirmative procedure), after paragraph (g) insert—

“(ga) section 83C (provision for inclusion in relevant outsourcing contracts);”

(c) in subsection (14) (regulations by Scottish Ministers subject to affirmative procedure), before paragraph (a) insert—

“(za) section 83C (provision to be included in relevant outsourcing contracts);

(zb) section 83F (power to amend section 83A, 83B or 83E);”

**Member's explanatory statement**

See the explanatory statement to amendment 59.

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**Justin Madders**

**Gov 63**

Clause 25, page 38, line 6, at end insert—

“(4A) In section 123 (interpretation), in subsection (1), in the definition of “appropriate authority”, at the end insert—

“(but see section 83A(2) for a different meaning of “appropriate authority” in Part 5A (outsourcing: protection of workers));”.

(4B) In section 124 (index of defined expressions), for the entry for “appropriate authority” substitute—

|  |               |
|--|---------------|
| “appropriate authority (except in Part 5A) | section 123   |
| appropriate authority (in Part 5A)         | section 83A”. |

**Member's explanatory statement**

See the explanatory statement to amendment 59.

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**Justin Madders**

**Gov 64**

Clause 25, page 38, leave out lines 9 to 11 and insert—

““Part 5A (outsourcing: protection of workers)”.”

**Member's explanatory statement**

See the explanatory statement to amendment 59.

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**Gill Furniss**

**112**

☆ Clause 26, page 38, line 35, at end insert—

“(c) supporting employees with menstrual problems and menstrual disorders.”

**Member's explanatory statement**

This amendment would add menstrual problems and menstrual disorders to “matters related to gender equality”, in relation to any regulations made under the Bill to require employers to produce equality action plans.

---

**Justin Madders**

**Gov 65**

Schedule 3, page 116, line 6, leave out “education”

**Member's explanatory statement**

This amendment, and amendments 66, 67, 69, 70 and 71, make a minor drafting correction.

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**Justin Madders**

**Gov 66**

Schedule 3, page 116, line 8, leave out "education"

**Member's explanatory statement**

See the explanatory statement for amendment 65.

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**Justin Madders**

**Gov 67**

Schedule 3, page 116, line 10, leave out "education"

**Member's explanatory statement**

See the explanatory statement for amendment 65.

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**Justin Madders**

**Gov 68**

Schedule 3, page 116, line 13, leave out from "employment" to end of line 14 and insert "which—

- (i) provides for the person to work wholly at one or more Academies, or
- (ii) provides for the person to carry out work of a prescribed description for the purposes of one or more Academies."

**Member's explanatory statement**

This amendment extends the definition of "school support staff" in new Part 8A of the Education Act 2002 to include people who do not work at an Academy but are employed by the proprietor of an Academy to carry out particular kinds of work (to be specified in regulations) for the purposes of one or more Academies.

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**Justin Madders**

**Gov 69**

Schedule 3, page 123, line 31, leave out "education"

**Member's explanatory statement**

See the explanatory statement for amendment 65.

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**Justin Madders**

**Gov 70**

Schedule 3, page 123, line 33, leave out "education"



**Member's explanatory statement**

See the explanatory statement for amendment 65.

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**Justin Madders****Gov 71**

Schedule 3, page 124, line 13, leave out "education"

**Member's explanatory statement**

See the explanatory statement for amendment 65.

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**Justin Madders****Gov 72**

Clause 46, page 50, line 30, leave out "listed" and insert "qualifying"

**Member's explanatory statement**

This amendment and other amendments to this clause would require a trade union to have a certificate of independence in order to have the rights provided for in the clause.

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**Justin Madders****Gov 73**

Clause 46, page 51, leave out lines 1 and 2 and insert—

"(3) A "qualifying trade union" is a trade union that has a certificate of independence."

**Member's explanatory statement**

See the explanatory statement to amendment 72.

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**Justin Madders****Gov 74**

Clause 46, page 51, line 4, at end insert—

"(4A) "Workplace" does not include any part of a workplace used as a dwelling."

**Member's explanatory statement**

This amendment would ensure that the right of access does not include access to dwellings.

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**Justin Madders****Gov 75**

Clause 46, page 51, line 18, leave out "listed" and insert "qualifying"

**Member's explanatory statement**

See the explanatory statement to amendment 72.

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**Justin Madders**

**Gov 76**

Clause 46, page 52, line 13, leave out "listed" and insert "qualifying"

**Member's explanatory statement**

See the explanatory statement to amendment 72.

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**Justin Madders**

**Gov 77**

Clause 46, page 52, line 26, leave out "listed" and insert "qualifying"

**Member's explanatory statement**

See the explanatory statement to amendment 72.

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**Justin Madders**

**Gov 78**

Clause 46, page 53, line 36, leave out "listed" and insert "qualifying"

**Member's explanatory statement**

See the explanatory statement to amendment 72.

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**Justin Madders**

**Gov 79**

Clause 46, page 53, line 40, leave out "listed" and insert "qualifying"

**Member's explanatory statement**

See the explanatory statement to amendment 72.

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**Justin Madders**

**Gov 80**

Clause 46, page 54, line 11, leave out from "circumstances" to "a determination" in line 13 and insert "in which it is to be regarded as reasonable for the Central Arbitration Committee to make"

**Member's explanatory statement**

This amendment would clarify that, if circumstances are specified under subsection (4)(a), the effect of specifying those circumstances is that it is to be regarded as reasonable for the CAC to make a determination that officials of a union are not to have access (but without requiring the CAC to make such a determination).

---

**Justin Madders**

**Gov 81**

Clause 46, page 54, line 27, at end insert—

“(6) The Secretary of State may prescribe matters to which the Central Arbitration Committee must have regard in considering an application for a determination under section 70ZE.”

**Member's explanatory statement**

This amendment would allow the Secretary of State to prescribe matters to which the CAC must have regard in considering an application for a determination about access.

---

**Justin Madders**

**Gov 82**

Clause 46, page 57, line 37, at end insert—

“(c) dismiss the appeal.”

**Member's explanatory statement**

This amendment would clarify that the Employment Appeal Tribunal may dismiss an appeal under new section 70ZK(2) of the Trade Union and Labour Relations (Consolidation) Act 1992.

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**Justin Madders**

**Gov 83**

Clause 59, page 71, line 4, leave out “three” and insert “six”

**Member's explanatory statement**

This amendment would increase the time limit for bringing proceedings under the new section 236A of the Trade Union and Labour Relations (Consolidation) Act 1992 from three months to six months.

---

**Justin Madders**

**Gov 84**

Clause 72, page 79, line 15, at end insert—

“(4A) Accordingly, in the case of the exercise by an enforcement officer of an enforcement function of the Secretary of State, any reference in an enactment to the Secretary of State in connection with that function is to be read as, or as including, a reference to that officer or any other enforcement officer.”

**Member's explanatory statement**

This amendment ensures that, where an enforcement officer is exercising an enforcement function of the Secretary of State by virtue of clause 72(4), references in legislation to the Secretary of State in connection with that function will include references to enforcement officers, so that the legislation will apply in relation to the enforcement officer as it would apply to the Secretary of State if the Secretary of State were exercising the function.

---

**Justin Madders**

**Gov 85**

Schedule 4, page 128, line 13, at end insert—

“( ) regulations 13 to 15E (entitlement to annual leave, etc);”

**Member's explanatory statement**

This amendment would enable the Secretary of State to enforce the entitlements to annual leave conferred by the Working Time Regulations 1998.

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**Justin Madders**

**Gov 86**

Clause 78, page 83, line 6, leave out “to ascertain” and insert “the purpose of ascertaining”

**Member's explanatory statement**

This amendment makes a minor drafting correction.

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**Justin Madders**

**Gov 87**

Clause 79, page 83, line 11, leave out “business”

**Member's explanatory statement**

The effect of this amendment and amendment 89 is that the power in clause 79 may be exercised to enter any premises, including premises used as a dwelling, for the purposes of inspecting or examining documents on the premises, etc. However, NC8 provides that, in the case of a dwelling, the power is not exercisable without a warrant.

---

**Justin Madders**

**Gov 88**

Clause 79, page 83, line 12, at end insert—

“This is subject to section (*Power to enter dwelling subject to warrant*) (which provides that a warrant is necessary to enter a dwelling).”

**Member's explanatory statement**

This amendment is consequential on NC8.

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**Justin Madders**

**Gov 89**

Clause 79, page 83, leave out lines 28 and 29

**Member's explanatory statement**

See the explanatory statement for amendment 87.

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**Justin Madders**

**Gov 90**

Clause 79, page 83, line 30, leave out from “purpose” to end and insert “means—

- (a) the purpose of enabling the Secretary of State to determine whether to exercise any enforcement function;
- (b) the purpose of determining whether there has been any non-compliance with relevant labour market legislation;
- (c) the purpose of ascertaining whether there are documents on the premises which may be required as evidence in proceedings for any non-compliance with relevant labour market legislation;”

**Member's explanatory statement**

This amendment clarifies the purposes for which the power conferred by clause 79 to enter premises and inspect documents, etc may be exercised.

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**Justin Madders**

**Gov 91**

Clause 83, page 85, line 9, leave out “persons or”

**Member's explanatory statement**

This amendment is consequential on NC9.

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**Justin Madders**

**Gov 92**

Clause 83, page 85, line 10, at end insert—

“(aa) exercise any power conferred by section 79(2) or (4),”

**Member's explanatory statement**

This amendment would enable an enforcement officer entering premises with a warrant under clause 83 to exercise the same powers to inspect, examine and seize documents as would be exercisable if the officer had entered the premises in reliance on the power conferred by clause 79.

---

**Justin Madders**

**Gov 93**

Clause 83, page 85, line 11, after “any” insert “other”

**Member's explanatory statement**

This amendment is consequential on amendment 92.

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**Justin Madders**

**Gov 94**

Clause 83, page 85, line 15, leave out subsection (5)

**Member's explanatory statement**

This amendment is consequential on NS1.

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**Justin Madders**

**Gov 95**

Clause 83, page 85, line 24, leave out from beginning to “may” in line 26

**Member's explanatory statement**

This amendment is consequential on amendment 92.

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**Justin Madders**

**Gov 96**

Clause 83, page 86, line 3, at end insert—

“(10) For further provision about warrants under this section, see section (*Warrants*) and Schedule (*Warrants under Part 5: further provision*).”

**Member's explanatory statement**

This amendment is consequential on NC9 and NS1.

---

**Justin Madders**

**Gov 97**

Schedule 5, page 130, line 22, at end insert—

“The Pensions Ombudsman.”

**Member's explanatory statement**

This amendment would enable information obtained in connection with the exercise of enforcement functions under Part 5 of the Bill to be disclosed to the Pensions Ombudsman for the purposes of the Ombudsman’s functions.

---

**Justin Madders**

**Gov 98**

Schedule 5, page 131, line 20, at end insert—

“Healthcare Improvement Scotland.”

**Member's explanatory statement**

This amendment would enable information obtained in connection with the exercise of enforcement functions under Part 5 of the Bill to be disclosed to Healthcare Improvement Scotland for the purposes of its functions.

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**Justin Madders**

**Gov 99**

Schedule 5, page 131, line 20, at end insert—

“Social Care and Social Work Improvement Scotland.”

**Member's explanatory statement**

This amendment would enable information obtained in connection with the exercise of enforcement functions under Part 5 of the Bill to be disclosed to Social Care and Social Work Improvement Scotland for the purposes of its functions.

---

**Justin Madders**

**Gov 100**

Schedule 5, page 131, line 20, at end insert—

“The Scottish Social Services Council.”

**Member's explanatory statement**

This amendment would enable information obtained in connection with the exercise of enforcement functions under Part 5 of the Bill to be disclosed to the Scottish Social Services Council for the purposes of its functions.

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**Justin Madders**

**Gov 101**

Schedule 6, page 133, line 7, at end insert “and the italic heading before that section.”

**Member's explanatory statement**

This amendment makes a further consequential amendment to the National Minimum Wage Act 1998.

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**Justin Madders**

**Gov 102**

Schedule 6, page 137, line 13, at end insert—

“(3A) In the italic heading before paragraph 10, omit “of Authority”.”

**Member's explanatory statement**

This amendment makes a minor drafting correction.

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**Justin Madders**

**Gov 103**

Schedule 6, page 137, line 15, leave out “the heading and”

**Member's explanatory statement**

This is consequential on amendment 102.

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**Justin Madders**

**Gov 104**

Schedule 6, page 140, line 26, leave out “and (4)” and insert “, (4), (8) and (9)”

**Member's explanatory statement**

This amendment, and amendments 105 and 106, make further minor amendments of section 114B of the Police and Criminal Evidence Act 1984 as a result of the replacement of labour abuse prevention officers by enforcement officers under Part 5 of the Bill.

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**Justin Madders**

**Gov 105**

Schedule 6, page 140, line 26, at end insert—

“(4A) In subsection (10), for “Any other” substitute “A”.”

**Member's explanatory statement**

See the explanatory statement for amendment 104.

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**Justin Madders**

**Gov 106**

Schedule 6, page 140, line 27, leave out sub-paragraph (5) and insert—

“(5) For subsection (11) substitute—

“(11) In this section—

“enforcement officer” has the meaning given by section 72(3) of the Employment Rights Act 2025;

“labour market offence” has the same meaning as in Part 5 of that Act (see section 112(1) of that Act).”

**Member's explanatory statement**

See the explanatory statement for amendment 104.

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**Justin Madders**

**Gov NC5**

To move the following Clause—

**“Statutory sick pay in Northern Ireland: removal of waiting period**

- (1) Part 11 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (statutory sick pay) is amended as follows.
- (2) In section 147(1) (employer’s liability), for “sections 148 to 150” substitute “sections 149 and 150”.
- (3) In section 148 (period of incapacity for work)—
  - (a) omit subsection (1);



- (b) in subsection (2), for the words from “any” to “is” substitute “a period of one day which is, or of two or more consecutive days each of which is,”.
- (4) In section 149(1) (period of entitlement), for “second” substitute “first”.
- (5) In section 150(1) (qualifying days), for “third” substitute “second”.
- (6) In section 151 (limitations on entitlement), omit subsection (1).
- (7) In section 152(2) (notification of incapacity for work), omit paragraph (b) (and the “or” at the end of paragraph (a)).”

**Member's explanatory statement**

This new clause makes the same provision for Northern Ireland as is made by clause 8 of the Bill for Great Britain. It is intended that this new clause and NC6 be inserted after clause 9.

---

Justin Madders

Gov NC6

To move the following Clause—

**“Statutory sick pay in Northern Ireland: lower earnings limit etc**

- (1) Part 11 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (statutory sick pay) is amended as follows.
- (2) In section 153 (rate of payment)—
  - (a) for subsection (1) substitute—
    - “(1) The weekly rate of statutory sick pay that an employer must pay to an employee is the lower of—
      - (a) £116.75, and
      - (b) the prescribed percentage of the employee’s normal weekly earnings.”;
    - (b) in subsection (2)—
      - (i) omit the “and” at the end of paragraph (a);
      - (ii) after paragraph (a) insert—
        - “(aa) prescribe a percentage, or percentages, for the purposes of subsection (1)(b);”.
- (3) In Schedule 11 (circumstances in which periods of entitlement to statutory sick pay do not arise), in paragraph 2, omit paragraph (c) (lower earnings limit).”

**Member's explanatory statement**

This new clause makes the same provision for Northern Ireland as is made by clause 9 of the Bill for Great Britain.

---

Justin Madders

Gov NC7

To move the following Clause—

**“Employment outside Great Britain**

In section 285 of the Trade Union and Labour Relations (Consolidation) Act 1992 (employment outside Great Britain)—

- (a) in subsection (1), before “works” insert “ordinarily”;
- (b) in subsection (1A), before “works” insert “ordinarily”.

**Member's explanatory statement**

This new clause would correct omissions of the word “ordinarily” in provisions of section 285 of the Trade Union and Labour Relations (Consolidation) Act 1992.

---

Justin Madders

Gov NC8

To move the following Clause—

**“Power to enter dwelling subject to warrant**

- (1) An enforcement officer may not by virtue of section 79 enter any dwelling unless a justice has issued a warrant authorising the officer to enter the dwelling.
- (2) A justice may issue a warrant under this section only if, on an application by the officer, the justice is satisfied—
  - (a) that the officer has reasonable grounds to believe that—
    - (i) there are documents in the dwelling which for any enforcement purpose the officer wishes to inspect, examine or seize, or
    - (ii) there is computer or other equipment in the dwelling to which the officer wishes to have access for any enforcement purpose, and
  - (b) that any of the conditions in subsection (3) is satisfied.
- (3) The conditions are—
  - (a) that it is not practicable to communicate with any person entitled to grant entry to the dwelling;
  - (b) that it is not practicable to communicate with any person entitled to grant access to the documents or equipment;
  - (c) that entry to the dwelling is unlikely to be granted unless a warrant is produced;
  - (d) that the purpose of entry may be frustrated or seriously prejudiced unless an enforcement officer arriving at the dwelling can secure immediate entry to it.
- (4) In this section—
  - “enforcement purpose” has the same meaning as in section 79;
  - “justice” means—
    - (a) in relation to England and Wales, a justice of the peace;

- (b) in relation to Scotland, a sheriff or summary sheriff;
  - (c) in relation to Northern Ireland, a lay magistrate.
- (5) For further provision about warrants under this section, see section (*Warrants*) and Schedule (*Warrants under Part 5: further provision*).

**Member's explanatory statement**

This new clause provides that an enforcement officer may not exercise the power conferred by clause 79 to enter premises that are a dwelling without first obtaining a warrant.

---

Justin Madders

Gov NC9

To move the following Clause—

**“Warrants**

- (1) A warrant under section (*Power to enter dwelling subject to warrant*) or 83 may be executed by any enforcement officer.
- (2) A warrant under section (*Power to enter dwelling subject to warrant*) or 83 may authorise persons to accompany any enforcement officer who is executing it.
- (3) A person authorised under subsection (2) to accompany an enforcement officer may exercise any power conferred by this Part which the officer may exercise as a result of the warrant.
- (4) But the person may exercise such a power only in the company of, and under the supervision of, an enforcement officer.
- (5) Schedule (*Warrants under Part 5: further provision*) contains further provision about—
  - (a) applications for warrants under section (*Power to enter dwelling subject to warrant*) or 83, and
  - (b) warrants issued under section (*Power to enter dwelling subject to warrant*) or 83.
- (6) The entry of premises under a warrant issued under section (*Power to enter dwelling subject to warrant*) or 83 is unlawful unless it complies with the provisions of Part 3 of that Schedule (execution of warrants).”

**Member's explanatory statement**

This new clause makes further provision about warrants under Part 5. It enables warrants to authorise people to accompany the enforcement officer executing the warrant. It also provides that entry under a warrant is unlawful unless it complies with provisions of NS1 relating to the execution of warrants.

---

Justin Madders

Gov NC10

To move the following Clause—

**“Increase in time limits for making claims**

Schedule (*Increase in time limits for making claims*) makes amendments for the purpose of increasing time limits for making claims in employment tribunals in Great Britain (and, in certain cases, industrial tribunals in Northern Ireland) from three months to six months.”

**Member's explanatory statement**

This new clause would introduce NS2.

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Justin Madders

Gov NC11

To move the following Clause—

**“Orders and regulations under Employment Rights Act 1996: procedure**

In section 236 of the Employment Rights Act 1996 (orders and regulations), after subsection (4) insert—

- “(4A) A statutory instrument containing an order or regulations under this Act to which subsection (3) applies may include an order or regulations under this Act to which subsection (3) would not otherwise apply.
- (4B) In such a case, the statutory instrument is to be proceeded with as if all of the orders and regulations contained in it were orders or regulations to which subsection (3) applies.””

**Member's explanatory statement**

This new clause, to be inserted into Part 6 of the Bill, would enable the combination of orders or regulations under the Employment Rights Act 1996 that would otherwise be subject to different Parliamentary procedures (or no Parliamentary procedure) in a statutory instrument subject to the affirmative procedure.

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John McDonnell

NC1

Ian Byrne

To move the following Clause—

**“Prison officers: inducements to withhold services or to indiscipline**

In the Public Order Act 1994, omit sections 127 and 127A.”

**Member's explanatory statement**

This new clause would repeal provisions in the Criminal Justice and Public Order Act 1994 that prohibit inducing a prison officer to commit a breach of discipline or to take (or continue to take) any industrial action, and related provisions.

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**John McDonnell**

**NC2**

Ian Byrne

To move the following Clause—

**“Prison officers: inducements to withhold services**

In section 127 of the Criminal Justice and Public Order Act 1994 (Inducements to withhold services or to indiscipline)—

- (a) in subsection (1), omit paragraph (a);
- (b) omit subsection (1A);
- (c) omit subsection (7).”

**Member's explanatory statement**

This new clause would repeal provisions in the Criminal Justice and Public Order Act 1994 that prohibit inducing a prison officer to take (or continue to take) any industrial action.

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**John McDonnell**

**NC3**

Ian Byrne

To move the following Clause—

**“Inducement of prison officers: exempted persons**

After section 127A of the Criminal Justice and Public Order Act 1994 (inducements to withhold services or to indiscipline), insert—

**“Section 127B: Prison officers and trade unions: exempted persons**

Section 127 (inducements to withhold services or to indiscipline) does not apply to—

- (a) Any listed trade union representing prison officers, or
- (b) any person acting on behalf of a listed trade union representing prison officers.””

**Member's explanatory statement**

This new clause would repeal, with respect to trade unions representing prison officers, provisions that prohibit the inducement of industrial action or indiscipline by a prison officer.

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**Layla Moran**

**NC4**

Sarah Gibson

To move the following Clause—

**“Non-disclosure agreements: harassment**

- (1) Any provision in an agreement to which this section applies is void insofar as it purports to preclude the worker from making a relevant disclosure.

- (2) This section applies to any agreement between a worker and the worker's employer (whether a worker's contractor not), including any proceedings for breach of contract.
- (3) In this section, a "relevant disclosure" means any disclosure of information which, in the reasonable belief of the worker making the disclosure, shows that harassment has been committed, is being committed or is likely to be committed, by a fellow worker or a client of the employer.
- (4) In this section, "harassment" means any act of harassment as defined by section 26 of the Equality Act 2010."

#### Member's explanatory statement

This new clause would render void any non-disclosure agreement insofar as it prevents the worker from making a disclosure about harassment (including sexual harassment).

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Nick Timothy

NC12

☆ To move the following Clause—

#### "Substitution clauses

- (1) Any agreement, whether a contract or otherwise, between—
  - (a) an employer or a contractor of services, and
  - (b) an employee, worker or dependent contractor
 must not include provision for the employee, worker or dependent contractor to appoint a substitute to supply services or undertake work on their behalf.
- (2) For the purposes of subsection (1)(a), "contractor of services" means an organisation that—
  - (a) enters into an agreement, whether a contract or otherwise, with a supplier or dependent contractor to supply services,
  - (b) does not require the supplier or dependent contractor to supply services, and
  - (c) pays the supplier or dependent contractor according to tasks performed rather than hours of work.
- (3) For the purposes of subsection (1)(b), "dependent contractor" means an individual who—
  - (a) is appointed to perform work or services for an employer or contractor of services,
  - (b) is paid according to tasks performed rather than hours of work,
  - (c) depends partially or primarily on the employer or contractor of services for employment and income,
  - (d) is not required to perform services for the employer or contractor of services, and
  - (e) is not specified as an employee or worker within a statement of employment particulars or a contract of employment."

**Member's explanatory statement**

This new clause would prohibit the use of "substitution clauses", which allow companies to permit their suppliers – including some delivery couriers – to appoint a substitute to supply services on their behalf.

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**Steve Darling**

NC13

Sarah Gibson  
Munira Wilson

★ To move the following Clause—

**"Rates of statutory maternity pay, etc**

- (1) In regulation 6 of the Statutory Maternity Pay (General) Regulations 1986 (prescribed rate of statutory maternity pay) for "£184.03" substitute "£368.06".
- (2) In the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002—
  - (a) in regulation 2(a) (weekly rate of payment of statutory paternity pay) for "£184.03" substitute "£368.06"; and
  - (b) in regulation 3(a) (weekly rate of payment of statutory adoption pay) for "£184.03" substitute "£368.06".
- (3) In regulation 40(1)(a) of the Statutory Shared Parental Pay (General) Regulations 2014 (weekly rate of payment of statutory shared parental pay) for "£184.03" substitute "£368.06".
- (4) In regulation 20(1)(a) of the Statutory Parental Bereavement Pay (General) Regulations 2020 (weekly rate of payment) for "£184.03" substitute "£368.06".

**Member's explanatory statement**

This new clause sets out rates of Statutory Maternity Pay, Statutory Paternity Pay, Statutory Adoption Pay, Statutory Shared Parental Pay and Statutory Parental Bereavement Pay.

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**Steve Darling**

NC14

Sarah Gibson  
Munira Wilson

★ To move the following Clause—

**"Kinship care leave**

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

- (2) After section 80EE insert—

**“CHAPTER 5**

**KINSHIP CARE LEAVE**

**80EF Kinship care leave**

- (1) The Secretary of State must make regulations entitling an employee to be absent from work on leave under this section if the employee satisfies conditions specified in the regulations as to an eligible kinship care arrangement with a child.
- (2) The regulations must include provision for determining—
  - (a) the extent of an employee’s entitlement to leave under this section in respect of a child;
  - (b) when leave under this section may be taken.
- (3) Provision under subsection (2)(a) must secure that—
  - (a) where only one employee is entitled to leave under this section in respect of a given child, the employee is entitled to at least 52 weeks’ leave;
  - (b) where more than one employee is entitled to leave under this section in respect of the same child, those employees are entitled to share at least 52 weeks’ leave between them.
- (4) An employee is entitled to leave under this section only if the eligible kinship care arrangement is intended to last—
  - (a) at least one year, and
  - (b) until the child being cared for attains the age of 18.
- (5) For the purposes of this Chapter, “eligible kinship care arrangement” means—
  - (a) special guardianship,
  - (b) a kinship child arrangement,
  - (c) a private fostering arrangement, or
  - (d) a private family arrangement,within the meaning given by section (*Meaning of “kinship care”*) of the Employment Rights Act 2024.
- (6) The regulations may make provision about how leave under this section is to be taken.
- (7) In this section—
  - (a) “special guardianship”, “kinship child arrangement”, “private fostering arrangement” and “private family arrangement” have the same meanings as in section (*Meaning of “kinship care”*) of the Employment Rights Act 2024.
  - (b) “week” means any period of seven days.



### **80EG Rights during and after kinship care leave**

- (1) Regulations under section 80EF must provide—
  - (a) that an employee who is absent on leave under that section is entitled, for such purposes and to such extent as the regulations may prescribe, to the benefit of the terms and conditions of employment which would have applied but for the absence,
  - (b) that an employee who is absent on leave under that section is bound, for such purposes and to such extent as the regulations may prescribe, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1) of that section), and
  - (c) that an employee who is absent on leave under that section is entitled to return from leave to a job of a kind prescribed by regulations, subject to section 80EH.
- (2) The reference in subsection (1)(c) to absence on leave under section 80EF includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under that section and partly to any one or more of the following—
  - (a) maternity leave,
  - (b) paternity leave,
  - (c) adoption leave,
  - (d) shared parental leave,
  - (e) parental leave,
  - (f) parental bereavement leave.
- (3) In subsection (1)(a), “terms and conditions of employment”—
  - (a) includes matters connected with an employee’s employment whether or not they arise under the contract of employment, but
  - (b) does not include terms and conditions about remuneration.
- (4) Regulations under section 80EF may specify matters which are, or are not, to be treated as remuneration for the purposes of this section.
- (5) Regulations under section 80EF may make provision, in relation to the right to return mentioned in subsection (1)(c), about—
  - (a) seniority, pension rights and similar rights;
  - (b) terms and conditions of employment on return.

### **80EH Special cases**

- (1) Regulations under section 80EF may make provision about—
  - (a) redundancy during or after a period of leave under that section, or
  - (b) dismissal (other than by reason of redundancy) during a period of leave under that section.
- (2) Provision by virtue of subsection (1) may include—

- (a) provision requiring an employer to offer alternative employment;
- (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part 10).

#### **80EI Chapter 5: supplemental**

- (1) Regulations under section 80EF may—
  - (a) make provision about notices to be given, evidence to be produced and other procedures to be followed by employees and employers;
  - (b) make provision requiring employers or employees to keep records;
  - (c) make provision for the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;
  - (d) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);
  - (e) make special provision for cases where an employee has a right which corresponds to a right under section 80EF and which arises under the person's contract of employment or otherwise;
  - (f) make provision modifying the effect of Chapter 2 of Part 14 (calculation of a week's pay) in relation to an employee who is or has been absent from work on leave under section 80EF;
  - (g) make provision applying, modifying or excluding an enactment, in such circumstances as may be specified and subject to any conditions which may be specified, in relation to a person entitled to take leave under section 80EF;
  - (h) make different provision for different cases or circumstances;
  - (i) make consequential provision.
- (2) The cases or circumstances mentioned in subsection (1)(h) include—
  - (a) more than one child being subject to the same eligible kinship care arrangement, and
  - (b) a child being subject to an eligible kinship care arrangement on two or more separate occasions,and regulations may, in particular, make special provision regarding the applicability and extent of the entitlement to leave in such circumstances.
- (3) The Secretary of State may by regulations make provision for some or all of a period of kinship care leave to be paid.””

#### **Member's explanatory statement**

This new clause sets out an entitlement to kinship care leave.

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Steve Darling

NC15

Sarah Gibson  
Munira Wilson

★ To move the following Clause—

**“Meaning of “kinship care”**

- (1) This section defines “kinship care” for the purposes of sections 80EF to 80EI of the Employment Rights Act 1996 (inserted by section (*Kinship care leave*) of this Act).
- (2) Kinship care describes an arrangement where a child is raised by a friend, relative or extended family member other than a parent.
- (3) Subsections (3) to (8) set out the arrangements that are recognised as being types of kinship care.
- (4) An arrangement where a child is adopted (within the meaning of Chapter 4 of the Adoption and Children Act 2002) by a friend, relative or extended family member (“kinship adoption”).
- (5) An arrangement where—
  - (a) a child is looked after by a local authority (within the meaning of section 22 of the Children Act 1989), and
  - (b) a friend, relative or extended family member of that child is approved by the local authority to be a foster carer for that child (“kinship foster care”).
- (6) An arrangement created by a special guardianship order pursuant to section 14A of the Children Act 1989 (“special guardianship”).
- (7) An arrangement created by a child arrangements order pursuant to section 8 of the Children Act 1989 where the court orders that a child is to live predominantly with a friend, relative or extended family member of that child (“kinship child arrangement”).
- (8) An arrangement where a child is fostered privately (within the meaning of section 66 of the Children Act 1989) by a friend or extended family member (“private fostering arrangement”).
- (9) Any other arrangement where a child is cared for, and provided with accommodation in their own home—
  - (a) by a relative of the child, other than—
    - (i) a parent of the child; or
    - (ii) a person who is not a parent of the child but who has parental responsibility for the child; and
  - (b) where the arrangement has lasted, or is intended to last, for at least 28 days (“private family arrangement”).”

**Member's explanatory statement**

This new clause is linked to the new clause about kinship care leave.

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**Steve Darling**

NC16

Sarah Gibson  
Munira Wilson

★ To move the following Clause—

**“Publication of information about parental leave policies: regulations**

- (1) The Secretary of State must make regulations to require any employer with more than 250 employees to publish information on the internet about the employer’s policies on parental leave and pay for parental leave.
- (2) Regulations under subsection (1) must be published within one year of this Act being passed.
- (3) Regulations under this section are subject to the affirmative regulation procedure.”

**Member's explanatory statement**

This new clause would require companies with more than 250 employees to publish information about their parental leave and pay policies.

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**Steve Darling**

NC17

Sarah Gibson  
Munira Wilson

★ To move the following Clause—

**“Entitlement to paternity leave**

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 80A (entitlement to paternity leave: birth)—
  - (a) in subsection (3), for “two” substitute “six”,
  - (b) in subsection (4), for “56 days” substitute “52 weeks”.
- (3) In section 80B (entitlement to paternity leave: adoption)—
  - (a) in subsection (3), for “two” substitute “six”,
  - (b) in subsection (4), for “56 days” substitute “52 weeks”.

**Member's explanatory statement**

This new clause sets out an entitlement to paternity leave.

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Justin Madders

Gov NS1

To move the following Schedule—

“SCHEDULE

Section (*Warrants*)(5)

WARRANTS UNDER PART 5: FURTHER PROVISION

**PART 1**

APPLICATION OF THIS SCHEDULE

- 1 This Schedule applies in relation to—
- (a) applications for warrants under section (*Power to enter dwelling subject to warrant*) or 83, and
  - (b) warrants issued under section (*Power to enter dwelling subject to warrant*) or 83.

**PART 2**

WARRANTS: APPLICATIONS AND SAFEGUARDS

*Applications for warrants*

- 2 (1) Where an enforcement officer applies for a warrant, the officer must—
- (a) state the ground on which the application is made,
  - (b) state the provision of this Act under which the warrant would be issued,
  - (c) specify the premises which it is desired to enter, and
  - (d) identify, so far as is practicable, the purpose for which entry is desired.
- (2) An application for a warrant must be made without notice and must be supported by an information in writing or, in Scotland, evidence on oath.
- (3) The officer must answer on oath any question that the justice hearing the application asks the officer.

*Safeguards in connection with power of entry conferred by warrant*

- 3 A warrant authorises an entry on one occasion only.
- 4 (1) A warrant must specify—
- (a) the name of the person who applies for it,
  - (b) the date on which it is issued,
  - (c) the provision of this Act under which it is issued, and
  - (d) the premises to be entered.
- (2) A warrant must identify, so far as is practicable, the purpose for which entry is desired.
- 5 (1) Two copies are to be made of a warrant.

- (2) In the case of a warrant issued in electronic form, the copies must be clearly marked as copies.
- (3) In the case of a warrant issued otherwise than in electronic form, the copies must be clearly certified as copies.

### PART 3

#### EXECUTION OF WARRANTS

##### *Warrant to be executed within three months*

- 6 Execution of a warrant must be within three months from the date of its issue.

##### *Time of entry*

- 7 Execution of a warrant must be at a reasonable time, unless it appears to the officer executing it that there are grounds for suspecting that the purpose of entering the premises may be frustrated if the officer seeks to enter at a reasonable time.

##### *Evidence of authority etc*

- 8 (1) Where the occupier of premises to be entered under a warrant is present at the time when an enforcement officer seeks to execute the warrant, the following requirements must be satisfied—
  - (a) the officer must produce to the occupier documentary evidence of the fact that the officer is an enforcement officer;
  - (b) if the officer is asked for it, the occupier must be told the officer's name;
  - (c) the officer must produce the warrant to the occupier;
  - (d) the officer must supply the occupier with a copy of the warrant that is marked or certified as a copy in accordance with paragraph 5.
- (2) Where—
  - (a) the occupier of premises to be entered under a warrant is not present when an enforcement officer seeks to execute it, but
  - (b) some other person who appears to the officer to be in charge of the premises is present,sub-paragraph (1) has effect as if any reference to the occupier were a reference to that other person.
- (3) If there is no person present who appears to the enforcement officer to be in charge of the premises, the officer must leave a copy of the warrant, marked or certified as a copy in accordance with paragraph 5, in a prominent place on the premises.

*Securing premises after entry*

- 9 An enforcement officer who enters premises under a warrant must take reasonable steps to ensure that when the officer leaves the premises they are as secure as they were before the officer entered.

*Return and retention of warrants*

- 10 (1) A warrant which—
- (a) has been executed, or
  - (b) has not been executed within the time authorised for its execution, must be returned to the appropriate person.
- (2) For the purposes of sub-paragraph (1) the appropriate person is—
- (a) in the case of a warrant issued in England and Wales, the designated officer for the local justice area in which the justice was acting when the warrant was issued;
  - (b) in the case of a warrant issued in Scotland by a justice of the peace, the clerk of the justice of the peace court in the sheriffdom for which the justice of the peace was appointed;
  - (c) in the case of a warrant issued in Scotland by a sheriff or a summary sheriff, the sheriff clerk;
  - (d) in the case of a warrant issued in Northern Ireland, the clerk of petty sessions.
- (3) A warrant that is returned under this paragraph must be retained by the person to whom it is returned for a period of 12 months.
- (4) If during that period the occupier of the premises to which the warrant relates asks to inspect it, the occupier must be allowed to do so."

**Member's explanatory statement**

This new Schedule makes further provision about applications for, and the execution of, warrants under Part 5.

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**Justin Madders**

**Gov NS2**

To move the following Schedule—

**"SCHEDULE**

**INCREASE IN TIME LIMITS FOR MAKING CLAIMS**

*Safety Representatives and Safety Committees Regulations 1977*

- 1 (1) In regulation 11 of the Safety Representatives and Safety Committees Regulations 1977 (S.I. 1977/500) (time off for safety representatives), in paragraph (2), for "three", in both places it occurs, substitute "six".
- (2) In regulation 12 of those Regulations—
- (a) in paragraph (2), for "three" substitute "six";

- (b) in paragraph (3), for “three” substitute “six”;
- (c) in paragraph (4), for “three” substitute “six”.

*Trade Union and Labour Relations (Consolidation) Act 1992*

- 2 (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) In section 66 (unjustifiable discipline by union), in subsection (2)(a), for “three” substitute “six”.
  - (3) In section 68A (unauthorised deduction of union subscriptions), in subsection (1)(a), for “three” substitute “six”.
  - (4) In section 70C (collective bargaining: obligations relating to training), in subsection (2)—
    - (a) in paragraph (a), for “three” substitute “six”;
    - (b) in paragraph (b), for “three” substitute “six”.
  - (5) In section 87 (unlawful deduction of contributions to political fund), in subsection (2)(a), for “three” substitute “six”.
  - (6) In section 139 (refusal of employment on grounds related to union membership), in subsection (1)(a), for “three” substitute “six”.
  - (7) In section 145C (inducements), in subsection (1)(a), for “three” substitute “six”.
  - (8) In section 147 (detriment for trade union activities), in subsection (1)(a), for “three” substitute “six”.
  - (9) In section 171 (time off for trade union activities), in subsection (1)(a), for “three” substitute “six”.
  - (10) In section 189 (consultation in collective redundancy), in subsection (5)—
    - (a) in paragraph (b), for “three” substitute “six”;
    - (b) in paragraph (c), for “three” substitute “six”.
  - (11) In section 192 (remuneration under protective award), in subsection (2)—
    - (a) in paragraph (a), for “three” substitute “six”;
    - (b) in paragraph (b), for “three” substitute “six”.
  - (12) In paragraph 157 of Schedule A1 (detriment in relation to trade union recognition), in sub-paragraph (1)(a), for “3” substitute “six”.

*Pension Schemes Act 1993*

- 3 In section 126 of the Pension Schemes Act 1993 (unpaid pension contributions), in subsection (2), for “three” substitute “six”.

*Employment Rights Act 1996*

- 4 (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 11 (written statements), in subsection (4)—
    - (a) in paragraph (a), for “three” substitute “six”;



- (b) in paragraph (b), for "three" substitute "six".
- (3) In section 23 (protection of wages)—
  - (a) in subsection (2), for "three" substitute "six";
  - (b) in subsection (4), for "three" substitute "six".
- (4) In section 27N (information relating to tips etc)—
  - (a) in subsection (2), for "three" substitute "six";
  - (b) in subsection (3), for "three" substitute "six".
- (5) In section 34 (guarantee payments), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (6) In section 48 (detriment in employment), in subsection (3)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (7) In section 51 (time off for public duties), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (8) In section 54 (time off following redundancy), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (9) In section 57 (time off for ante-natal care), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (10) In section 57ZC (time off for ante-natal care: agency workers), in subsection (3)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (11) In section 57ZF (time off to accompany to ante-natal appointment), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (12) In section 57ZH (time off to accompany to ante-natal appointment: agency workers), in subsection (3)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (13) In section 57ZM (time off to attend adoption appointments), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (14) In section 57ZQ (time off to attend adoption appointments: agency workers), in subsection (3)—
  - (a) in paragraph (a), for "three" substitute "six";

- (b) in paragraph (b), for "three" substitute "six".
- (15) In section 57B (time off for dependants), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (16) In section 60 (time off for pension scheme trustees), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (17) In section 63 (time off for employee representatives), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (18) In section 63C (time off for study or training), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (19) In section 63I (requests in relation to study or training), in subsection (5)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (20) In section 70 (rights following suspension from work)—
  - (a) in subsection (2)—
    - (i) in paragraph (a), for "three" substitute "six";
    - (ii) in paragraph (b), for "three" substitute "six";
  - (b) in subsection (5)—
    - (i) in paragraph (a), for "three" substitute "six";
    - (ii) in paragraph (b), for "three" substitute "six".
- (21) In section 70A (rights of agency worker where supply is ended on maternity grounds)—
  - (a) in subsection (2)—
    - (i) in paragraph (a), for "three" substitute "six";
    - (ii) in paragraph (b), for "three" substitute "six";
  - (b) in subsection (5)—
    - (i) in paragraph (a), for "three" substitute "six";
    - (ii) in paragraph (b), for "three" substitute "six".
- (22) In section 80 (parental leave), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (23) In section 80H (right to request flexible working), in subsection (5)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (24) In section 80N (carer's leave), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (25) In section 111 (unfair dismissal), in subsection (2)—

- (a) in paragraph (a), for “three” substitute “six”;
  - (b) in paragraph (b), for “three” substitute “six”.
- (26) In section 188 (rights on insolvency of employer), in subsection (2)—
- (a) in paragraph (a), for “three” substitute “six”;
  - (b) in paragraph (b), for “three” substitute “six”.

*Health and Safety (Consultation with Employees) Regulations 1996*

- 5 (1) In paragraph 3 of Schedule 2 to the Health and Safety (Consultation with Employees) Regulations 1996 (S.I. 1996/1513) (time off for representatives of employee safety etc), for “three”, in both places it occurs, substitute “six”.
- (2) In paragraph 3A of that Schedule—
- (a) in sub-paragraph (2), for “three” substitute “six”;
  - (b) in sub-paragraph (3), for “three” substitute “six”;
  - (c) in sub-paragraph (4), for “three” substitute “six”.

*Working Time Regulations 1998*

- 6 In regulation 30 of the Working Time Regulations 1998 (S.I. 1998/1833) (rights as to working time), in paragraph (2)—
- (a) in sub-paragraph (a), for the words from “three months” to “six months)” substitute “six months”;
  - (b) in sub-paragraph (b), omit “three or, as the case may be,”.

*National Minimum Wage Act 1998*

- 7 In section 11 of the National Minimum Wage Act 1998 (access to records)—
- (a) in subsection (3), for “three” substitute “six”;
  - (b) in subsection (4), for “three” substitute “six”.

*Employment Relations Act 1999*

- 8 In section 11 of the Employment Relations Act 1999 (right to be accompanied), in subsection (2)—
- (a) in paragraph (a), for “three” substitute “six”;
  - (b) in paragraph (b), for “three” substitute “six”.

*Transnational Information and Consultation of Employees Regulations 1999*

- 9 (1) In regulation 27 of the Transnational Information and Consultation of Employees Regulations 1999 (S.I. 1999/3323) (time off for members of a European Works Council etc)—
- (a) in the heading, for “tribunals” substitute “employment tribunals in Great Britain”;
  - (b) in paragraph (1), for the words from “complaint,” to “, that” substitute “complaint to an employment tribunal in Great Britain that”;
  - (c) in paragraph (2)—

- (i) in sub-paragraph (a), for “three” substitute “six”;
  - (ii) in sub-paragraph (b), for “three” substitute “six”;
  - (d) omit paragraph (2B).
- (2) In the heading of regulation 27A of those Regulations (extension of time limit to facilitate conciliation before institution of proceedings), at the end insert “in Great Britain”.
- (3) After regulation 27A of those Regulations insert—

**“Right to time off: complaints to industrial tribunals in Northern Ireland**

**27AA.**—(1) An employee may present a complaint to an industrial tribunal in Northern Ireland that the employee’s employer—

- (a) has unreasonably refused to permit the employee to take time off as required by regulation 25; or
- (b) has failed to pay the whole or any part of any amount to which the employee is entitled under regulation 26.

(2) A tribunal shall not consider a complaint under this regulation unless it is presented—

- (a) before the end of the period of three months beginning with the day on which the time off was taken or on which it is alleged the time off should have been permitted; or
- (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

(3) Regulation 27B (extension of time limit to facilitate conciliation before institution of proceedings in Northern Ireland) applies for the purposes of paragraph (2).

(4) Where a tribunal finds a complaint under this regulation well-founded, the tribunal shall make a declaration to that effect.

(5) If the complaint is that the employer has unreasonably refused to permit the employee to take time off, the tribunal shall also order the employer to pay to the employee an amount equal to the remuneration to which the employee would have been entitled under regulation 26 if the employer had not refused.

(6) If the complaint is that the employer has failed to pay the employee the whole or part of any amount to which the employee is entitled under regulation 26, the tribunal shall also order the employer to pay to the employee the amount which it finds due to the employee.”

- (4) In regulation 27B of those Regulations (extension of time limit to facilitate conciliation before institution of proceedings in Northern Ireland)—
- (a) in paragraph (2), for “27(2)(a)” substitute “27AA(2)(a)”;
  - (b) in paragraph (3), for “27(2)(a)” substitute “27AA(2)(a)”;
  - (c) in paragraph (4), for “27(2)(b)” substitute “27AA(2)(b)”.

*Merchant Shipping (Working Time: Inland Waterways) Regulations 2003*

- 10 In regulation 18 of the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003 (S.I. 2003/3049) (merchant shipping: rights as to working time), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.

*Civil Aviation (Working Time) Regulations 2004*

- 11 In regulation 18 of the Civil Aviation (Working Time) Regulations 2004 (S.I. 2004/756) (civil aviation: rights as to working time), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.

*Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004*

- 12 In regulation 19 of the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004 (S.I. 2004/1713) (fishing vessels: rights to rest and leave), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.

*Transfer of Undertakings (Protection of Employment) Regulations 2006*

- 13 (1) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) are amended as follows.
- (2) In regulation 12 (notification of employee liability information), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.
- (3) In regulation 15 (information and consultation requirements), in paragraph (12)—
- (a) in the words before sub-paragraph (a), for “three” substitute “six”;
  - (b) in the words after sub-paragraph (b), for “three” substitute “six”.

*Cross-border Railway Services (Working Time) Regulations 2008*

- 14 In regulation 17 of the Cross-border Railway Services (Working Time) Regulations 2008 (S.I. 2008/1660) (cross-border railway services: rights as to working time), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.

*European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009*

- 15 In regulation 28 of the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009 (S.I. 2009/2401) (time off for members of special negotiating body etc), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.

*Agency Workers Regulations 2010*

- 16 In regulation 18 of the Agency Workers Regulations 2010 (S.I. 2010/93) (rights of agency workers), in paragraph (4), for “three” substitute “six”.

*Equality Act 2010*

- 17 In section 123 of the Equality Act 2010 (discrimination etc at work), in subsection (1)(a), for “3” substitute “6”.

*Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018*

- 18 In regulation 26 of the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58) (rights of seafarers to leave), in paragraph (6), for “three” substitute “six”.

**Member's explanatory statement**

This new Schedule would increase time limits for making claims in employment tribunals (and, in certain cases, industrial tribunals in Northern Ireland) from three months to six months.

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**Justin Madders**

**Gov 107**

Clause 117, page 104, line 24, at end insert—

“(1A) Sections (*Statutory sick pay in Northern Ireland: removal of waiting period*) and (*Statutory sick pay in Northern Ireland: lower earnings limit etc*) (statutory sick pay in Northern Ireland) extend to Northern Ireland only.”

**Member's explanatory statement**

This amendment is consequential on amendments NC5 and NC6; it limits the extent of new clauses (*Statutory sick pay in Northern Ireland: removal of waiting period*) and (*Statutory sick pay in Northern Ireland: lower earnings limit etc*) to Northern Ireland only.

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**Justin Madders**

**Gov 108**

Clause 117, page 104, line 27, leave out “An amendment or repeal” and insert “Except as set out in subsection (4), an amendment, repeal or revocation”

**Member's explanatory statement**

This amendment is consequential on NS2 and amendment 109.

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**Justin Madders**

**Gov 109**

Clause 117, page 104, line 28, leave out “amended or repealed.” and insert “amended, repealed or revoked.

- (4) In Schedule (*Increase in time limits for making claims*) (increase in time limits for making claims)—
- (a) the amendments made by paragraph 9(3) and (4) extend to Northern Ireland only;
  - (b) the amendments made by paragraphs 10, 12 and 13 extend to England and Wales and Scotland only.”

**Member's explanatory statement**

This amendment would limit the extent of certain amendments in NS2 so that they only extend to Northern Ireland or Great Britain (where they would otherwise extend to both). This is to ensure that the increase in time limits in those cases only applies in relation to employment tribunals in Great Britain.

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**John McDonnell**

**1**

Clause 118, page 104, line 32, at end insert—

“(aa) section [*Prison officers: inducements to withhold services or to indiscipline*];”

**Member's explanatory statement**

This is a consequential amendment to NC1 to ensure the implementation of the repeal of relevant provisions in the Criminal Justice and Public Order Act 1994.

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**John McDonnell**

**2**

Clause 118, page 104, line 32, at end insert—

“(aa) section [*Prison officers: inducements to withhold services*];”

**Member's explanatory statement**

This is a consequential amendment to NC2 to ensure the implementation of the repeal of relevant provisions in the Criminal Justice and Public Order Act 1994.

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**John McDonnell**

**3**

Clause 118, page 104, line 32, at end insert—

“(aa) section [*Inducement of prison officers: exempted persons*];”

**Member's explanatory statement**

This is a consequential amendment to NC3, to ensure its implementation.

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**Layla Moran**

4

Sarah Gibson

Clause 118, page 104, line 32, at end insert—

“(aa) section [*Non-disclosure agreements: harassment*];”

**Member's explanatory statement**

This is a consequential amendment to NC4, to ensure its implementation.

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**Nick Timothy**

111

☆ Clause 118, page 104, line 32, at end insert—

“(aa) section [*Substitution clauses*];”

**Member's explanatory statement**

This is a consequential amendment to NC12, to ensure its implementation.

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**Justin Madders**

Gov 110

Clause 118, page 105, line 17, at end insert—

“(na) section (*Employment outside Great Britain*) (employment outside Great Britain);”

**Member's explanatory statement**

This amendment would bring NC7 into force two months after Royal Assent.

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## Order of the House

[21 October 2024]

That the following provisions shall apply to the Employment Rights Bill:

**Committal**

1. The Bill shall be committed to a Public Bill Committee.

**Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 21 January 2025.
3. Public Bill Committee shall have leave to sit twice on the first day on which it meets.



**Consideration and Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

**Other proceedings**

7. Any other proceedings on the Bill may be programmed.

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**Order of the Committee**

[26 November 2024]

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 26 November 2024) meet—
  - (a) at 2.00 pm on Tuesday 26 November 2024;
  - (b) at 11.30 am and 2.00 pm on Thursday 28 November 2024;
  - (c) at 9.25 am and 2.00 pm on Tuesday 3 December 2024;
  - (d) at 11.30 am and 2.00 pm on Thursday 5 December 2024;
  - (e) at 9.25 am and 2.00 pm on Tuesday 10 December 2024;
  - (f) at 11.30 am and 2.00 pm on Thursday 12 December 2024;
  - (g) at 9.25 am and 2.00 pm on Tuesday 17 December 2024;
  - (h) at 9.25 am and 2.00 pm on Tuesday 7 January 2025;
  - (i) at 11.30 am and 2.00 pm on Thursday 9 January 2025;
  - (j) at 9.25 am and 2.00 pm on Tuesday 14 January 2025;
  - (k) at 11.30 am and 2.00 pm on Thursday 16 January 2025;
  - (l) at 9.25 am and 2.00 pm on Tuesday 21 January 2025;
2. the Committee shall hear oral evidence in accordance with the following Table:

| <i>Date</i>               | <i>Time</i>                  | <i>Witness</i>   |
|---------------------------|------------------------------|--|
| Tuesday 26 November 2024  | Until no later than 10.10 am | The Confederation of British Industry; The British Chambers of Commerce; The Institute of Directors  |
| Tuesday 26 November 2024  | Until no later than 10.40 am | The Federation of Small Businesses; Startup Coalition  |
| Tuesday 26 November 2024  | Until no later than 11.25 am | The Chartered Institute of Personnel and Development; The Chartered Management Institute; The Happy Business School  |
| Tuesday 26 November 2024  | Until no later than 2.30 pm  | UKHospitality; The Recruitment and Employment Confederation  |
| Tuesday 26 November 2024  | Until no later than 3.00 pm  | Make UK; The Food and Drink Federation   |
| Tuesday 26 November 2024  | Until no later than 3.40 pm  | DFDS; Nautilus International; The National Union of Rail, Maritime and Transport Workers   |
| Tuesday 26 November 2024  | Until no later than 4.30 pm  | The Trades Union Congress; The Scottish Trades Union Congress; UNISON; Unite the Union   |
| Tuesday 26 November 2024  | Until no later than 5.00 pm  | The Fawcett Society; Pregnant Then Screwed   |
| Tuesday 26 November 2024  | Until no later than 5.15 pm  | The Civil Engineering Contractors Association  |
| Thursday 28 November 2024 | Until no later than 12.10 pm | Co-op; The British Retail Consortium; The Association of Convenience Stores  |
| Thursday 28 November 2024 | Until no later than 12.40 pm | The Union of Shop, Distributive and Allied Workers; Community  |
| Thursday 28 November 2024 | Until no later than 1.00 pm  | The Resolution Foundation  |
| Thursday 28 November 2024 | Until no later than 2.30 pm  | GMB; Prospect  |
| Thursday 28 November 2024 | Until no later than 3.10 pm  | Professor Alan Bogg (Professor in Law, University of Bristol); Professor Melanie Simms (Professor of Work and Employment, University of Glasgow); Professor Simon F Deakin |

| <i>Date</i>               | <i>Time</i>                 | <i>Witness</i>   |
|---------------------------|-----------------------------|--|
|                           |                             | (Professor of Law, University of Cambridge)  |
| Thursday 28 November 2024 | Until no later than 3.40 pm | GAIL's Bakery; DCS Group   |
| Thursday 28 November 2024 | Until no later than 4.10 pm | The Equality and Human Rights Commission; Margaret Beels OBE (Director of Labour Market Enforcement) |
| Thursday 28 November 2024 | Until no later than 4.40 pm | Female Founder Finance; The Women's Budget Group   |
| Thursday 28 November 2024 | Until no later than 5.00 pm | The Department for Business and Trade  |

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 4; Schedule 1; Clauses 5 to 19; Schedule 2; Clauses 20 to 28; Schedule 3; Clauses 29 to 72; Schedule 4; Clauses 73 to 98; Schedule 5; Clauses 99 to 110; Schedules 6 and 7; Clauses 111 and 112; new Clauses; new Schedules; Clauses 113 to 119; remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 21 January 2025.