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Report Stage: Monday 20 January 2025

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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 Any withdrawn amendments are listed at the end of the document.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.

*Clause, page and line numbers will be updated in due course to the version of the Bill as amended in the Public Bill Committee.*

★ New Amendments.

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

New Amendments: 1 to 3

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**Apsana Begum**

NC1

Florence Eshalomi  
Sarah Dyke  
Carla Denyer  
Liz Saville Roberts  
Sorcha Eastwood

Jess Brown-Fuller  
Alex Brewer  
Claire Hanna

Ellie Chowns  
Chris Law

Siân Berry  
Jess Asato

☆ To move the following Clause—

**“Domestic abuse victims’ leave**

- (1) Within twelve months of the passage of this Act, the Secretary of State must make regulations entitling a worker who is a victim of domestic abuse to be absent from work on leave under this section.
- (2) For the purposes of this section, “domestic abuse” is defined in accordance with sections 1 and 2 of the Domestic Abuse Act 2021.
- (3) The regulations must include provision for determining—
  - (a) the extent of a worker's entitlement to leave under this section; and
  - (b) when leave under this section may be taken.

- (4) Provision under subsection (3)(a) must secure that, where a worker is entitled to take leave under this section, that worker is entitled to—
- (a) at least ten working days' leave; and
  - (b) the benefit of the terms and conditions of employment which would have applied but for the absence.
- (5) The regulations may—
- (a) make provision about how leave under this section is to be taken;
  - (b) make different provision for different cases or circumstances; and
  - (c) make consequential provision."

#### Member's explanatory statement

This new clause would require the Secretary of State to provide for statutory leave for victims of domestic abuse, with regulations providing for a minimum of ten days' leave.

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#### Apsana Begum

NC2

Florence Eshalomi  
Sarah Dyke  
Carla Denyer  
Liz Saville Roberts  
Sorcha Eastwood

Jess Brown-Fuller  
Alex Brewer  
Claire Hanna

Ellie Chowns  
Chris Law

Siân Berry  
Jess Asato

☆ To move the following Clause—

#### **"Domestic abuse: right not to suffer detriment**

In Part V of the Employment Rights Act 1996 (Rights not to suffer detriment), after section 47G, insert new section 47H—

#### **"Domestic abuse**

- (1) A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by their employer done on the ground that the worker has been, or is suspected to have been—
  - (a) a victim of domestic abuse; or
  - (b) affected directly by domestic abuse.
- (2) For the purposes of this section, "domestic abuse" is defined in accordance with sections 1 and 2 of the Domestic Abuse Act 2021."

#### Member's explanatory statement

This new clause would amend the Employment Rights Act 1996 to protect workers from adverse treatment on the grounds that they are, or are suspected to be, a person affected by domestic abuse.

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**Apsana Begum**

NC3

Florence Eshalomi  
 Carla Denyer  
 Liz Saville Roberts  
 Sorcha Eastwood  
 Ellie Chowns

Siân Berry  
 Claire Hanna

Chris Law

Jess Asato

☆ To move the following Clause—

**“Dismissal for reasons related to domestic abuse**

In Part 10 of the Employment Rights Act 1996, after section 99, insert—

**“99B Domestic abuse**

- (1) A worker who is dismissed shall be regarded for the purposes of this Part as having been unfairly dismissed if the reason for the dismissal is that the worker has been, or is suspected to have been—
  - (a) a victim of domestic abuse; or
  - (b) affected directly by domestic abuse.
- (2) For the purposes of this section, “domestic abuse” is defined in accordance with sections 1 and 2 of the Domestic Abuse Act 2021.””

**Member's explanatory statement**

This new clause would amend the Employment Rights Act 1996 to protect workers from dismissal on the grounds that they are, or are suspected to be, a victim or a person affected by domestic abuse.

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**Apsana Begum**

NC4

Florence Eshalomi  
 Carla Denyer  
 Liz Saville Roberts  
 Sorcha Eastwood  
 Ellie Chowns

Siân Berry  
 Claire Hanna

Chris Law

Jess Asato

☆ To move the following Clause—

**“Employers to take all reasonable steps to prevent domestic abuse**

After section 40A of the Equality Act 2010 (employer duty to prevent sexual harassment of workers), insert—

**“40B Employer duty to prevent workers from experiencing domestic abuse**

- (1) An employer (A) must take all reasonable steps to prevent their workers from experiencing domestic abuse in the course of their employment.
- (2) For the purposes of this section, “domestic abuse” is defined in accordance with sections 1 and 2 of the Domestic Abuse Act 2021””

**Member's explanatory statement**

This new clause would require employers to take all reasonable steps to prevent their workers from experiencing domestic abuse.

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**Apsana Begum**

NC5

Florence Eshalomi  
Carla Denyer  
Liz Saville Roberts  
Sorcha Eastwood  
Ellie Chowns

Siân Berry  
Claire Hanna

Chris Law

Jess Asato

☆ To move the following Clause—

**“Employers to take all reasonable steps to prevent domestic abuse (contract workers)”**

After section 41 of the Equality Act 2010 (contract workers), insert—

**“41A Employer duty to prevent workers from experiencing domestic abuse**

- (1) An employer (A) must take all reasonable steps to prevent a contract worker working for or on behalf of (A) from experiencing domestic abuse in the course of their engagement.
- (2) For the purposes of this section, “domestic abuse” is defined in accordance with sections 1 and 2 of the Domestic Abuse Act 2021.””

**Member's explanatory statement**

This new clause would require employers to take all reasonable steps to prevent contract workers from experiencing domestic abuse.

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**Richard Burgon**

NC6

☆ To move the following Clause—

**“Workplace contravention of Equality Act: obtaining information**

- (1) In this section—
  - (a) P is a worker who thinks that a contravention of the Equality Act 2010 has occurred in relation to P’s employment or working practices;
  - (b) R is P’s employer and P thinks that R is responsible for the contravention mentioned in paragraph (a).
- (2) A Minister of the Crown must by order prescribe—
  - (a) forms by which P may question R on any matter which is or may be relevant to subsection (1);
  - (b) forms by which R may answer questions by P.

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- (3) A question by P or an answer by R is admissible as evidence in proceedings under this Act (whether or not the question or answer is contained in a prescribed form).
  - (4) A court or tribunal may draw an inference from—
    - (a) a failure by R to answer a question by P before the end of the period of 8 weeks beginning with the day on which the question is served;
    - (b) an evasive or equivocal answer.
  - (5) Subsection (4) does not apply if—
    - (a) R reasonably asserts that to have answered differently or at all might have prejudiced a criminal matter;
    - (b) R reasonably asserts that to have answered differently or at all would have revealed the reason for not commencing or not continuing criminal proceedings;
    - (c) R's answer is of a kind specified for the purposes of this paragraph by order of a Minister of the Crown;
    - (d) R's answer is given in circumstances specified for the purposes of this paragraph by order of a Minister of the Crown;
    - (e) R's failure to answer occurs in circumstances specified for the purposes of this paragraph by order of a Minister of the Crown.
  - (6) The reference to a contravention of the Equality Act 2010 includes a reference to a breach of an equality clause or rule, insofar as it relates to employment or working practices.
  - (7) A Minister of the Crown may by order—
    - (a) prescribe the period within which a question must be served to be admissible under subsection (3);
    - (b) prescribe the manner in which a question by P, or an answer by R, may be served.
  - (8) This section—
    - (a) does not affect any other enactment or rule of law relating to interim or preliminary matters in proceedings before a county court, the sheriff or an employment tribunal, and
    - (b) has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.”

**Ms Stella Creasy**

NC7

Charlotte Nichols  
 Sorcha Eastwood  
 Christine Jardine  
 Abtisam Mohamed  
 Alex Brewer

Peter Lamb  
 Richard Burgon  
 Dr Simon Opher  
 Zarah Sultana  
 Neil Duncan-Jordan  
 Olivia Blake  
 Sarah Hall  
 Claire Hanna

Wera Hobhouse  
 Kim Johnson  
 Sarah Owen  
 Ellie Chowns  
 Mrs Elsie Blundell  
 Fabian Hamilton  
 Paula Barker

Bell Ribeiro-Addy  
 Carla Denyer  
 Mr Jonathan Brash  
 Dr Allison Gardner  
 Freddie van Mierlo  
 Sarah Champion  
 Ian Byrne

☆ To move the following Clause—

**“Protected paternity or parental partner leave**

- (1) Within six months of the passage of this Act, the Secretary of State must consult on the introduction of protected paternity or parental partner leave for all employees.
- (2) A consultation under subsection (1) must consider—
  - (a) the minimum duration for a period of protected paternity or parental partner leave;
  - (b) how best to ensure that protected paternity or parental partner leave is protected, non-transferable and does not result in discrimination against the employee taking that leave;
  - (c) how best to ensure that protected paternity or parental partner leave reduces the risk of employees experiencing discrimination as a result of being eligible for ordinary maternity leave; and
  - (d) the extent to which the costs to employers of protected paternity or parental partner leave should be reimbursed, in full or in part, and the manner in which this should be achieved.
- (3) Following a consultation under subsection (2), within twelve months of commencing the consultation, the Secretary of State must by regulations—
  - (a) introduce protected paternity or parental partner leave, ensuring that it is paid, protected and non-transferable;
  - (b) define the length of any period of protected paternity or parental partner leave under subsection (3)(a); and
  - (c) make provision for any other matters the Secretary of State considers relevant to the matters under subsections (3)(a) and (3)(b).
- (4) For the purposes of this section—
  - (a) “protected” leave means leave during which an employer must not permit an employee who satisfies prescribed conditions to work; and
  - (b) “parental partner leave” means leave taken for the purposes of caring for a child, with the exception of maternity leave taken under sections 71 to 73 of the Employment Rights Act 1996.

- (5) For the purposes of subsections (2)(b) and (2)(c), “discrimination” is defined according to sections 13 to 19 of the Equality Act 2010.”

**Member's explanatory statement**

This new clause would require the Secretary of State to consult on a period of protected paternity or parental partner leave, and require them to introduce protected paternity or parental partner leave by regulations at a subsequent date.

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**John McDonnell**

**NC8**

☆ 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**

**NC9**

☆ 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.

**Sarah Owen**

1

Alex Brewer  
 Rachel Taylor  
 Rosie Duffield  
 Carla Denyer  
 Liz Saville Roberts

Rachel Gilmour  
 Robin Swann  
 Andy McDonald  
 Neil Duncan-Jordan  
 Henry Tufnell  
 Ben Lake  
 Lee Anderson  
 Paula Barker  
 John McDonnell  
 Zarah Sultana  
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 Wendy Chamberlain  
 Naz Shah  
 Kirsteen Sullivan

Sarah Hall  
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 Chris Webb  
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 Iqbal Mohamed  
 Jon Trickett  
 Ellie Chowns  
 Mr James Frith  
 Shockat Adam  
 Susan Murray  
 Steve Witherden  
 Daisy Cooper  
 Nadia Whittome

Rachael Maskell  
 Mrs Elsie Blundell  
 Paul Davies  
 Kate Osborne  
 Anna Sabine  
 Ann Davies  
 Kim Johnson  
 Olivia Blake  
 Tahir Ali  
 Lorraine Beavers  
 Siân Berry  
 Ms Stella Creasy  
 Adrian Ramsay  
 Liz Jarvis  
 Wera Hobhouse  
 Alison Hume

★ Clause 14, page 28, line 25, at end insert—

“( ) after subsection (2) insert—

“(2A) The conditions specified under subsection (2) must be framed so as to ensure that a “bereaved person” includes those bereaved by pregnancy loss.

(2B) In subsection (2A) “pregnancy loss” includes—

(a) a pregnancy that that ends as a result of—

(i) a miscarriage;

(ii) an ectopic pregnancy;

(iii) a molar pregnancy;

(iv) a medical termination conducted in accordance with section 1 of the Abortion Act 1967;

(b) an unsuccessful attempt at in vitro fertilisation due to embryo transfer loss.””

**Member's explanatory statement**

This amendment requires that any regulations made under section 80EA of the Employment Rights Act 1996 (as amended by the Bill) must include conditions framed by reference to those bereaved by pregnancy loss.



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**Sarah Owen**

2

Alex Brewer  
 Rachel Taylor  
 Rosie Duffield  
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 Siân Berry  
 Ms Stella Creasy  
 Adrian Ramsay  
 Liz Jarvis  
 Wera Hobhouse  
 Alison Hume

★ Clause 14, page 28, line 28, at end insert—

“( ) in subsection (5), after “child” insert “or as a result of pregnancy loss.”

**Member's explanatory statement**

This amendment amends section 80EA(5) of the Employment Rights Act 1996 to ensure that the two week leave period is made available to those bereaved as a result of pregnancy loss.

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**Sarah Owen**

3

Alex Brewer  
 Rachel Taylor  
 Rosie Duffield  
 Carla Denyer  
 Liz Saville Roberts

Rachel Gilmour  
 Robin Swann  
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 Olivia Blake  
 Tahir Ali  
 Lorraine Beavers  
 Siân Berry  
 Ms Stella Creasy  
 Adrian Ramsay  
 Liz Jarvis  
 Wera Hobhouse  
 Alison Hume

★ Clause 14, page 29, line 27, at end insert—

“( ) In section 171ZZ6 of the Social Security Contributions and Benefits Act 1992 (entitlement to statutory pregnancy loss pay), after subsection (3) insert—

“(3A) The conditions specified under subsection (2) must be framed so as to ensure that a “bereaved parent” includes those bereaved by pregnancy loss.

(3B) In subsection (3A) “pregnancy loss” includes—

(a) a pregnancy that that ends as a result of—

- (i) a miscarriage;
- (ii) an ectopic pregnancy;
- (iii) a molar pregnancy;
- (iv) a medical termination conducted in accordance with section 1 of the Abortion Act 1967;

(b) an unsuccessful attempt at in vitro fertilisation due to embryo transfer loss.””

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

This amendment amends the Social Security Contributions and Benefits Act 1992 to ensure that the entitlement to statutory pregnancy loss pay extends to those bereaved by pregnancy loss.

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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.