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Report Stage: Friday 24 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 Any withdrawn amendments are listed at the end of the document.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.

New Amendment: NC19

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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  
Mary Kelly Foy

Ellie Chowns  
Chris Law  
Dr Simon Opher

Siân Berry  
Jess Asato  
Bell Ribeiro-Addy

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  
Mary Kelly Foy

Ellie Chowns  
Chris Law  
Dr Simon Opher

Siân Berry  
Jess Asato  
Bell Ribeiro-Addy

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  
 Mary Kelly Foy

Chris Law  
 Dr Simon Opher

Jess Asato  
 Bell Ribeiro-Addy

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  
 Mary Kelly Foy

Chris Law  
 Dr Simon Opher

Jess Asato  
 Bell Ribeiro-Addy

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  
Mary Kelly Foy

Chris Law  
Dr Simon Opher

Jess Asato  
Bell Ribeiro-Addy

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

Barry Gardiner  
Andy McDonald  
Rachael Maskell  
Clive Lewis  
Nadia Whittome

Jon Trickett  
Ian Lavery  
Imran Hussain  
Ian Byrne  
Apsana Begum

Bell Ribeiro-Addy  
Steve Witherden  
Jeremy Corbyn  
Brian Leishman  
Dr Simon Opher

Grahame Morris  
John McDonnell  
Rebecca Long Bailey  
Zarah Sultana

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.
- (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.”

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**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  
Helen Hayes  
Sarah Smith  
Matt Turmaine  
Paulette Hamilton  
Mrs Sharon Hodgson  
Cat Eccles  
Darren Paffey  
Mary Kelly Foy

Wera Hobhouse  
Kim Johnson  
Sarah Owen  
Ellie Chowns  
Mrs Elsie Blundell  
Fabian Hamilton  
Paula Barker  
Siân Berry  
Natalie Fleet  
Chris Webb  
Alison Hume  
Dr Rosena Allin-Khan  
Chris Evans  
Tulip Siddiq  
Mrs Emma Lewell-Buck

Bell Ribeiro-Addy  
Carla Denyer  
Mr Jonathan Brash  
Dr Allison Gardner  
Freddie van Mierlo  
Sarah Champion  
Ian Byrne  
Mike Amesbury  
John McDonnell  
Jess Asato  
Clive Lewis  
Daniel Francis  
Ben Lake  
Kirith Entwistle  
Mr Luke Charters

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**

Mary Kelly Foy

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**

Mary Kelly Foy

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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**Steve Darling**

**NC10**

Sarah Gibson  
Daisy Cooper  
Clive Jones  
Munira Wilson  
Olly Glover  
Claire Hanna

To move the following Clause—

**“Carer’s leave: remuneration**

- (1) In section 80K of the Employment Rights Act 1996, omit subsection (3) and insert—

“(3) In subsection (1)(a), “terms and conditions of employment” includes—

- (a) matters connected with an employee’s employment whether or not they arise under the contract of employment, and
- (b) terms and conditions about remuneration.””

**Member's explanatory statement**

This new clause would make Carer’s Leave a paid entitlement.

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**Steve Darling**

**NC11**

Sarah Gibson  
Daisy Cooper  
Clive Jones  
Munira Wilson  
Olly Glover



To move the following Clause—

**“Caring as a protected characteristic**

- (1) The Equality Act 2010 is amended as follows.
- (2) In section 4, after “sexual orientation” insert “caring”.
- (3) After section 12, insert—

**“12A Caring**

- (1) Caring means the provision or intention of person (A) to provide care to a person (B) with a long term care need, if person (B)—
  - (a) is a spouse, civil partner, child or parent of person (A); or
  - (b) lives in the same household as person (A) or reasonably relies on person (A) to provide or arrange care.
- (2) In subsection (1), person (B) has a long-term care need if person (B)—
  - (a) has an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
  - (b) has a disability under this Act; or
  - (c) requires care for a reason connected with old age.
- (3) In subsection (1), the provision of care is regarded as relevant under this section if person (A) provides or intends to provide care—
  - (a) under or by virtue of a contract, or
  - (b) as voluntary work.
- (4) In relation to the protected characteristic of caring—
  - (a) a reference to a person who has a particular protected characteristic is a reference to a person who has particular caring responsibilities;
  - (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same type of caring responsibilities in respect of the relationship to the person being cared for.””

**Member's explanatory statement**

This new clause would make caring a protected characteristic under the Equality Act 2010.

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**Steve Darling**

**NC12**

Munira Wilson  
 Sarah Gibson  
 Daisy Cooper  
 Clive Jones  
 Wendy Chamberlain

Tim Farron  
 Jess Brown-Fuller  
 Olly Glover

Caroline Voaden  
 Mr Lee Dillon  
 Luke Taylor

Liz Jarvis  
 Freddie van Mierlo

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**

**NC13**

Munira Wilson  
Sarah Gibson  
Daisy Cooper  
Clive Jones  
Wendy Chamberlain

Tim Farron  
Jess Brown-Fuller  
Olly Glover

Caroline Voaden  
Mr Lee Dillon  
Luke Taylor

Liz Jarvis  
Freddie van Mierlo

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**

NC14

Munira Wilson  
 Sarah Gibson  
 Daisy Cooper  
 Clive Jones  
 Wendy Chamberlain

Tim Farron  
 Mr Lee Dillon  
 Olly Glover

Caroline Voaden  
 Freddie van Mierlo  
 Luke Taylor

Liz Jarvis  
 Jess Brown-Fuller

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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**Steve Darling**

NC15

Munira Wilson  
 Sarah Gibson  
 Daisy Cooper  
 Clive Jones  
 Olly Glover

To move the following Clause—

**“Whistleblowers: protected disclosures**

In Part X of the Employment Rights Act 1996, for section 103A, substitute—

“103A Protected disclosure.

An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if the reason (or one of the reasons) for the dismissal is that the employee made a protected disclosure.””

**Member's explanatory statement**

This new clause would slightly extend the circumstances in which an employee is considered as unfairly dismissed after making a protected disclosure.

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**Steve Darling**

NC16

Munira Wilson  
Sarah Gibson  
Daisy Cooper  
Clive Jones  
Olly Glover

To move the following Clause—

**“Adoption pay: self-employed persons**

- (1) Within six months of the passage of this Act, the Secretary of State must by regulations enable statutory adoption pay to be payable to persons who are—
  - (a) self-employed, or
  - (b) contractors.
- (2) For the purposes of subsection (1), the meaning of “self-employed” and “contractors” shall be set out in regulations under this section.”

**Member's explanatory statement**

This new clause extends statutory adoption pay to the self-employed and contractors.

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**Steve Darling**

NC17

Munira Wilson  
Sarah Gibson  
Daisy Cooper  
Clive Jones  
Olly Glover

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 (4) to (9) 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 subsequent to the new clause about kinship care leave.

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**Steve Darling**

**NC18**

Munira Wilson  
 Sarah Gibson  
 Daisy Cooper  
 Clive Jones  
 Olly Glover

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 arrangementwithin 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**

Sarah Gibson  
Daisy Cooper  
Clive Jones

**NC19**

★ To move the following Clause—

#### “Right to be accompanied

- (1) Section 10 of the Employment Relations Act 1999 (right to be accompanied) is amended as follows.



(2) In subsection (3), after paragraph (b) insert—

“(ba) person who has been reasonably certified in writing by a Professional Body as having experience of, or as having received training in, acting as a worker’s companion at disciplinary or grievance hearings, or”

(3) After subsection (7) insert—

“(8) In this section, “Professional Body” means any organisation which is authorised by a regulation made by the Secretary of State pursuant to subsection (9).

(9) The Secretary of State may make a regulation or regulations authorising any organisation as a Professional Body for the purposes of this section.””

#### Member's explanatory statement

This new clause would expand the right to be accompanied by a certified companion at disciplinary and grievance hearings.

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#### 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  
Irene Campbell  
Will Stone  
Dr Marie Tidball  
Lillian Jones  
Wendy Chamberlain  
Naz Shah  
Kirsteen Sullivan  
David Burton-Sampson  
Catherine Fookes  
Jess Asato

Sarah Hall  
Sorcha Eastwood  
Chris Webb  
Charlotte Nichols  
Tony Vaughan  
Llinos Medi  
Chris Hinchliff  
Abtisam Mohamed  
Iqbal Mohamed  
Jon Trickett  
Ellie Chowns  
Mr James Frith  
Shockat Adam  
Susan Murray  
Steve Witherden  
Daisy Cooper  
Nadia Whittome  
Christine Jardine  
Alice Macdonald  
Bell Ribeiro-Addy

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  
Kirith Entwistle  
Samantha Niblett  
Claire Hanna

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  
Carla Denyer  
Liz Saville Roberts

Rachel Gilmour  
Robin Swann  
Andy McDonald  
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Alison Hume  
Kirith Entwistle  
Samantha Niblett  
Claire Hanna

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.

**Sarah Owen**

3

Alex Brewer  
 Rachel Taylor  
 Rosie Duffield  
 Carla Denyer  
 Liz Saville Roberts

Rachel Gilmour  
 Robin Swann  
 Andy McDonald  
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 Samantha Niblett  
 Claire Hanna

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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**Steve Darling**

4

Sarah Gibson  
 Daisy Cooper  
 Clive Jones  
 Munira Wilson

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

- “(c) supporting employees who provide or arrange care for a dependant with a long-term care need, as defined by the Carer’s Leave Act 2023.”

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**Steve Darling**

5

Munira Wilson  
 Sarah Gibson  
 Daisy Cooper  
 Clive Jones

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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## 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.