
Report Stage: Wednesday 12 February 2025

Employment Rights Bill, As Amended (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 Any withdrawn amendments are listed at the end of the document.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.

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

Apsana Begum

NC1

Florence Eshalomi
Sarah Dyke
Carla Denyer
Liz Saville Roberts
Sorcha Eastwood

Jess Brown-Fuller
Alex Brewer
Claire Hanna
Mary Kelly Foy
Liz Jarvis

Ellie Chowns
Chris Law
Dr Simon Opher
Jon Trickett
Helen Maguire

Siân Berry
Jess Asato
Bell Ribeiro-Addy
Caroline Voaden

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.

Apsana Begum

NC2

Florence Eshalomi
Sarah Dyke
Carla Denyer
Liz Saville Roberts
Sorcha Eastwood

Jess Brown-Fuller
Alex Brewer
Claire Hanna
Mary Kelly Foy
Liz Jarvis

Ellie Chowns
Chris Law
Dr Simon Opher
Jon Trickett
Helen Maguire

Siân Berry
Jess Asato
Bell Ribeiro-Addy
Caroline Voaden

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.

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
 Jon Trickett

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.

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
 Jon Trickett

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.

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
Jon Trickett

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.

Richard Burgon

NC6

Barry Gardiner
Andy McDonald
Rachael Maskell
Clive Lewis
Nadia Whittome

Jon Trickett
Ian Lavery
Imran Hussain
Ian Byrne
Apsana Begum
Kim Johnson
Siân Berry

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

Grahame Morris
John McDonnell
Rebecca Long Bailey
Zarah Sultana
Neil Duncan-Jordan
Carla Denyer

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.”

Member's explanatory statement

This new clause would reintroduce, for workers in relation to employers, the right to statutory Discrimination Questionnaires pursuant to the Equality Act 2010 regarding age, disability, sex, race, sexual orientation, pregnancy and maternity, gender reassignment, religion or belief and marriage and civil partnership discrimination.

Ms Stella Creasy

NC7

Charlotte Nichols
Sorcha Eastwood
Christine Jardine
Abtislam 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
Rachael Maskell
Steve Witherden
Catherine Fookes
Amanda Hack

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
Jon Trickett
Patricia Ferguson
Maya Ellis
Henry Tufnell

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
Afzal Khan
Anna Sabine
Tracy Gilbert
Kirsteen Sullivan

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.

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.

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.

Steve Darling

NC10

Sarah Gibson
Daisy Cooper
Clive Jones
Munira Wilson
Olly Glover

Claire Hanna

Jess Brown-Fuller

Liz Jarvis

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.

Steve Darling

NC11

Sarah Gibson
Daisy Cooper
Clive Jones
Munira Wilson
Olly Glover

Jess Brown-Fuller

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.

Steve Darling

NC12

Munira Wilson
Sarah Gibson
Daisy Cooper
Clive Jones
Wendy Chamberlain

Tim Farron
Jess Brown-Fuller
Olly Glover
Victoria Collins
Pippa Heylings

Caroline Voaden
Mr Lee Dillon
Luke Taylor
John Milne

Liz Jarvis
Freddie van Mierlo
Mike Martin
Manuela Perteghella

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.

Steve Darling

NC13

Munira Wilson
Sarah Gibson
Daisy Cooper
Clive Jones
Wendy Chamberlain

Tim Farron
Jess Brown-Fuller
Olly Glover
Victoria Collins
Pippa Heylings

Caroline Voaden
Mr Lee Dillon
Luke Taylor
John Milne

Liz Jarvis
Freddie van Mierlo
Mike Martin
Manuela Perteghella

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.

Steve Darling**NC14**

Munira Wilson
Sarah Gibson
Daisy Cooper
Clive Jones
Wendy Chamberlain

Tim Farron
Mr Lee Dillon
Olly Glover
Victoria Collins
Pippa Heylings

Caroline Voaden
Freddie van Mierlo
Luke Taylor
John Milne

Liz Jarvis
Jess Brown-Fuller
Mike Martin
Manuela Perteghella

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.

Steve Darling**NC15**

Munira Wilson
Sarah Gibson
Daisy Cooper
Clive Jones
Olly Glover

Jess Brown-Fuller

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.

Steve Darling

NC16

Munira Wilson
Sarah Gibson
Daisy Cooper
Clive Jones
Olly Glover
Jess Brown-Fuller

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.

Steve Darling

NC17

Munira Wilson
Sarah Gibson
Daisy Cooper
Clive Jones
Olly Glover
Jess Brown-Fuller

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.

Steve Darling

NC18

Munira Wilson
 Sarah Gibson
 Daisy Cooper
 Clive Jones
 Olly Glover

Jess Brown-Fuller

Liz Jarvis

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.

Steve Darling

NC19

Sarah Gibson
Daisy Cooper
Clive Jones
Cameron Thomas
Jess Brown-Fuller
Ian Sollom

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.

Liz Saville Roberts

NC20

To move the following Clause—

“Duty to prevent violence and harassment in the workplace

- (1) Section 2 of the Health and Safety at Work etc. Act 1974 is amended as follows.
- (2) After subsection (2)(e) insert—
 - “(f) the adoption of proactive and preventative measures to protect all persons working in their workplace from violence and harassment, including—
 - (i) gender-based violence;
 - (ii) sexual harassment;
 - (iii) psychological and emotional abuse;
 - (iv) physical and sexual abuse;

- (v) stalking and harassment, including online harassment;
- (vi) threats of violence.”

(3) After subsection (3) insert—

- “(3A) It shall be the duty of every employer to prepare, and as often as may be appropriate revise, an assessment to identify potential risks of violence and harassment in the workplace and implement policies and procedures to eliminate these risks so far as is reasonably practicable.
- (3B) It shall be the duty of every employer to provide training to all employees on recognising and preventing violence and harassment in the workplace, with a focus on gender-responsive approaches.
- (3C) In subsection (3B) a “gender-responsive approach” means taking into account the various needs, interests, and experiences of people of different gender identities, including women and girls, when designing and implementing policies and procedures.
- (3D) In this section, “persons working in the workplace” includes—
- (a) employees;
 - (b) full-time, part-time, and temporary workers; and
 - (c) interns and apprentices.
- (3E) In subsection (2)(f) and subsections (3A) and (3B), a reference to the workplace includes remote and hybrid work environments.””

Member's explanatory statement

This new clause will amend the Health and Safety at Work etc. Act 1974 to place a duty on employers to protect all those working in their workplace from gender-based violence and harassment.

Liz Saville Roberts

NC21

To move the following Clause—

“Expanded duties of the Health and Safety Executive

In the Health and Safety at Work etc. Act 1974, after section 11 (functions of the Executive) insert—

“11ZA Duties of the Executive: health and safety framework on violence and harassment

- (1) It shall be the duty of the Executive to develop, publish and as often as may be appropriate revise a health and safety framework on violence and harassment in the workplace.
- (2) This framework shall include specific provisions relating to—
 - (a) the prevention of gender-based violence and harassment of those in the workplace including the prevention of physical, emotional, and psychological abuse;
 - (b) the duty of employers to create safe and inclusive workplaces and the preventative measures they must adopt; and

- (c) the use of monitoring and enforcement mechanisms to ensure compliance with the duty of the employer in relation to violence and harassment (see section 2(2)(f)).
- (3) The Executive shall work with other relevant bodies, including the Equality and Human Rights Commission and law enforcement agencies, to develop and revise this framework.

11ZB Duties of the Executive: guidance for employers

The Executive shall, in consultation with such other persons as it considers to be relevant, issue guidance for employers about the protection of those facing violence and harassment on the basis of gender in the workplace by—

- (a) implementing workplace policies to prevent violence and harassment;
- (b) establishing confidential reporting mechanisms to allow victims to report incidents;
- (c) conducting risk assessments and ensuring compliance with the health and safety framework (see section 11ZA);
- (d) reporting and addressing incidents of violence and harassment; and
- (e) supporting victims of violence and harassment, including making accommodations in the workplace to support such victims.””

Member's explanatory statement

This new clause will create a duty on the Health and Safety Executive to develop a health and safety framework on violence and harassment and to issue guidance for employers about the protection of those facing violence and harassment on the basis of gender in the workplace.

Jess Asato

NC22

Apsana Begum
Sorcha Eastwood
Sarah Hall
Warinder Juss
Tonia Antoniazzi

Dr Simon Opher

Sarah Owen

Ellie Chowns

To move the following Clause—

“Duty of employer to prepare domestic abuse policy

- (1) It is the duty of every employer to develop, publish and as often as may be appropriate revise a written statement of its general policy with respect to the support it provides to workers who are victims of domestic abuse.
- (2) The Secretary of State must by regulations make provision for determining—
 - (a) the scope of a domestic abuse policy;
 - (b) the form and manner in which a domestic abuse policy is to be published;

- (c) when and how frequently a domestic abuse policy is to be published or revised;
 - (d) requirements for senior approval before a domestic abuse policy is published.
- (3) The regulations may make provision for a failure to comply with subsection (1)—
- (a) to be an offence punishable on summary conviction—
 - (i) in England and Wales by a fine;
 - (ii) in Scotland or Northern Ireland by a fine not exceeding level 5 on the standard scale;
 - (b) to be enforced, otherwise than as an offence, by such means as may be prescribed.
- (4) The regulations may not require an employer to revise the policy more frequently than at intervals of 24 months.
- (5) For the purposes of this section, “domestic abuse” is defined in accordance with sections 1 and 2 of the Domestic Abuse Act 2021.
- (6) This section does not apply to an employer who has fewer than 5 employees.
- (7) Regulations under this section must be made no later than twelve months after the passage of this Act.”

Member's explanatory statement

This new clause would create a duty on employers with 5 or more employees to have a policy outlining the support they provide to workers who are victims of domestic abuse.

Claire Hanna

NC23

To move the following Clause—

“Prescribed rate of statutory maternity pay

In regulation 6 of the Statutory Maternity Pay (General) Regulations 1986, delete “is a weekly rate of £184.03” and insert “is a rate of £12.60 per hour in the UK and £13.85 per hour in London”.”

Member's explanatory statement

This new clause would increase the current rate of statutory maternity pay, bringing it in line with the “real Living Wage”.

Neil Duncan-Jordan

NC24

To move the following Clause—

“Statutory sick pay: gradual increases

- (1) The Secretary of State must, within six months of the passing of this Act and at least once a year for five years thereafter, increase the rate of Statutory Sick Pay.
- (2) five years of the first increase made under subsection (1), the rate of Statutory Sick Pay must be no less than 80% of the National Living Wage.
- (3) The annual increase under subsection (1) must be incremental, with each annual increase representing at least 10% of the overall five-year increase required under subsection (2).
- (4) For the purposes of this section—
 - (a) the “rate of Statutory Sick Pay” is the rate given in section 157(1) of the Social Security Contributions and Benefits Act 1992; and
 - (b) of State by regulations under section 1(3) of the National Minimum Wage Act 1998.”

Member's explanatory statement

This new clause would gradually increase the rate of Statutory Sick Pay over the next five years, taking it to at least 80% of rate of the National Living Wage.

Peter Dowd

NC25

Paula Barker
Richard Burgon
Ian Byrne
Ellie Chowns
Neil Duncan-Jordan

Maya Ellis
Imran Hussain
Connor Naismith

Mary Kelly Foy
Kim Johnson
Bell Ribeiro-Addy

Patrick Hurley
Rachael Maskell
John McDonnell

☆ To move the following Clause—

“Working Time Council

- (1) The Secretary of State must, within six months of the passage of this Act, establish a Working Time Council (“the Council”) to provide advice and make recommendations to the Secretary of State on the matters specified in subsection (4).
- (2) The members of the Council—
 - (a) are to be appointed by the Secretary of State, and
 - (b) must include representatives of—
 - (i) trade unions;
 - (ii) businesses;

- (iii) government departments; and
 - (iv) experts on matters relating to employment.
- (3) Each member of the Council must hold and vacate office in accordance with the terms and conditions of the member's appointment.
 - (4) The Council must provide advice and make recommendations on how a transition could be made from a five-day working week to a four-day working week with no impact on pay, including—
 - (a) how such a transition would affect employers and employees, and
 - (b) how businesses, public bodies and other organisations should approach such a transition.
 - (5) The Secretary of State may pay such remuneration or allowances to members of the Council as the Secretary of State may determine."

Member's explanatory statement

This new clause would require the Secretary of State to establish a Working Time Council to provide advice and recommendations on the transition from a five-day working week to a four-day working week.

Neil Duncan-Jordan

NC26

☆ To move the following Clause—

"Statutory sick pay: gradual increases

- (1) The Secretary of State must, within six months of the passing of this Act and at least once a year for five years thereafter, increase the rate of Statutory Sick Pay.
- (2) Within five years of the increase made under subsection (1), the rate of Statutory Sick Pay must be no less than 80% of the National Living Wage.
- (3) The annual increases under subsections (1) and (2) must be incremental, with each annual increase representing at least 10% of the overall increase required over the five year period.
- (4) for the purposes of this section—
 - (a) the "rate of Statutory Sick Pay" is the rate given in section 157(1) of the Social Security Contributions and Benefits Act 1992; and
 - (b) the "National Living Wage" is prescribed by the Secretary of State by regulations under section 1(3) of the National Minimum Wage Act 1998."

Member's explanatory statement

This new clause would gradually increase the rate of Statutory Sick Pay over the next five years, taking it to at least 80% of rate of the National Living Wage.

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
 Anna Dixon
 Jim Shannon
 Helen Hayes
 Brian Mathew

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
 Natalie Fleet
 Mr Toby Perkins
 Cat Eccles
 Mrs Sharon Hodgson

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
 Mary Kelly Foy
 James Naish
 Ian Byrne
 Andy MacNae

Clause 16, page 33, line 8, 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.

Sarah Owen

2

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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 Will Stone
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 Anna Dixon
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Sarah Hall
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 Chris Hinchliff
 Abtisam Mohamed
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 Jon Trickett
 Ellie Chowns
 Mr James Frith
 Shockat Adam
 Susan Murray
 Steve Witherden
 Daisy Cooper
 Nadia Whittome
 Christine Jardine
 Alice Macdonald
 Bell Ribeiro-Addy
 Natalie Fleet
 Mr Toby Perkins
 Cat Eccles
 Mrs Sharon Hodgson

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
 Mary Kelly Foy
 James Naish
 Ian Byrne
 Andy MacNae

Clause 16, page 33, line 11, 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
 Neil Duncan-Jordan
 Henry Tufnell
 Ben Lake
 Lee Anderson
 Paula Barker
 John McDonnell
 Zarah Sultana
 Irene Campbell
 Will Stone
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 Mrs Sharon Hodgson

Rachael Maskell
 Mrs Elsie Blundell
 Paul Davies
 Kate Osborne
 Anna Sabine
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 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
 Mary Kelly Foy
 James Naish
 Ian Byrne
 Andy MacNae

Clause 16, page 34, line 8, 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.

Steve Darling

4

Sarah Gibson
 Daisy Cooper
 Clive Jones
 Munira Wilson
 Jess Brown-Fuller

Clause 28, page 47, line 3, 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.”

Peter Dowd

6

Paula Barker
 Richard Burgon
 Ian Byrne
 Ellie Chowns
 Neil Duncan-Jordan

Maya Ellis
 Imran Hussain
 Connor Naismith

Mary Kelly Foy
 Kim Johnson
 Bell Ribeiro-Addy

Patrick Hurley
 Rachael Maskell

☆ Clause 129, page 119, line 25, at end insert—

“(aa) section [*Working Time Council*];”

Member's explanatory statement

This amendment is consequential on NC25.

Steve Darling

5

Munira Wilson
 Sarah Gibson
 Daisy Cooper
 Clive Jones
 Jess Brown-Fuller

Schedule 2, page 127, line 37, leave out from “period” to the end of line 38 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.

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.