

Employment Rights Bill

LORDS INSISTENCE AND REASONS, NON-INSISTENCE, DISAGREEMENT AND AMENDMENTS IN LIEU

[The page and line references are to HL Bill 81, the Bill as first printed for the Lords]

Clause 1

LORDS AMENDMENT 1

- 1** Clause 1, page 2, line 9, at beginning insert “If requested by an employee,”

COMMONS REASON

The Commons disagree to Lords Amendment 1 for the following Reason –

- 1A** *Because it is appropriate for workers who meet the qualifying criteria to receive a guaranteed hours offer without having to make a request for one.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 1, to which the Commons have disagreed for their Reason 1A, and do propose Amendment 1B in lieu –

- 1B** Clause 1, page 2, line 14, at end insert –
- “(1A) From the date on which this section comes into force, after the end of each reference period the employer must send the worker a written notice explaining their right to receive a guaranteed hours offer under subsection (1) and giving them the opportunity to decline such an offer.
- (1B) If the worker does not respond to the notice, or responds to confirm that they wish to receive an offer, the employer must make a guaranteed hours offer under subsection (1).
- (1C) A worker who is sent a notice under subsection (1A) may at any time ask not to receive any further notices or offers, after which the employer must not send further notices or make offers under this section.

- (1D) A worker who has asked not to receive notices or offers under subsection (1C) may notify the employer that they wish to start receiving notices and offers again after the end of the next reference period, after which the employer must act in accordance with subsections (1A) and (1B).”

COMMONS REASON

The Commons disagree to Lords Amendment 1B for the following Reason –

- 1C** *Because it would weaken workers’ rights to guaranteed hours.*

LORDS INSISTENCE

The Lords do insist on their Amendment 1B for Reason 1D.

- 1D** *Because the Lords wish the Commons to consider the matter again.*

Clause 23

LORDS AMENDMENTS 23 AND 106 TO 120

- 23** Leave out Clause 23 and insert the following new Clause –

“Right not to be unfairly dismissed: reduction of qualifying period and introduction of initial period of employment

Schedule 3 contains provision –

- (a) reducing the qualifying period of employment for unfair dismissal and introducing provisions in respect of an initial period of employment, and
- (b) making further consequential amendments.”

COMMONS REASON

The Commons disagree to Lords Amendment 23 for the following Reason –

- 23A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person’s employment.*

Schedule 3

- 106** Schedule 3, page 188, line 25, leave out paragraphs 1 and 2 and insert –

“1 Section 108 of the Employment Rights Act 1996 (qualifying period of employment) is amended as follows –

- (a) in subsection (1) omit “two years” and insert “six months”;
- (b) after subsection (5), insert –

“(6) Subsection (1) does not apply if section 4(3)(b) of the Rehabilitation of Offenders Act 1974 (read with any order made under section 4(4) of that Act) applies.”.”

COMMONS DISAGREEMENT AND AMENDMENT TO THE WORDS SO RESTORED TO THE BILL

The Commons disagree to Lords Amendment 106 but propose the following Amendment to the words so restored to the Bill –

- 106A** Schedule 3, page 189, line 14, for “(3)” substitute “(6)”
- 107** Schedule 3, page 190, line 26, after “employment” insert “beginning with the day after the employee has been continuously employed for the period set out in section 108(1) of the Employment Rights Act 1996”

COMMONS REASON

The Commons disagree to Lords Amendment 107 for the following Reason –

- 107A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person’s employment.*
- 108** Schedule 3, page 190, line 30, leave out “on or before the last day of” and insert “during”

COMMONS REASON

The Commons disagree to Lords Amendment 108 for the following Reason –

- 108A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person’s employment.*
- 109** Schedule 3, page 191, line 31, leave out from beginning to end of line 2 on page 192

COMMONS REASON

The Commons disagree to Lords Amendment 109 for the following Reason –

- 109A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person’s employment.*
- 110** Schedule 3, page 192, line 10, leave out paragraphs (b) and (c)

COMMONS REASON

The Commons disagree to Lords Amendment 110 for the following Reason –

- 110A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person’s employment.*

- 111** Schedule 3, page 192, line 20, after “occurs” insert “before the employee has been continuously employed for the period set out in section 108(1) or”

COMMONS REASON

The Commons disagree to Lords Amendment 111 for the following Reason –

- 111A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person’s employment.*

- 112** Schedule 3, page 192, line 26, leave out “for “she has been continuously employed for any period” substitute “the” and insert “after “any period” insert “or the”

COMMONS REASON

The Commons disagree to Lords Amendment 112 for the following Reason –

- 112A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person’s employment.*

- 113** Schedule 3, page 192, line 29, leave out “for “he has been continuously employed for any period” substitute “the” and insert “after “any period” insert “or the”

COMMONS REASON

The Commons disagree to Lords Amendment 113 for the following Reason –

- 113A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person’s employment.*

- 114** Schedule 3, page 192, line 32, leave out sub-paragraphs (3) and (4)

COMMONS REASON

The Commons disagree to Lords Amendment 114 for the following Reason –

- 114A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person’s employment.*

- 115** Schedule 3, page 192, line 39, leave out sub-paragraphs (6) to (10)

COMMONS REASON

The Commons disagree to Lords Amendment 115 for the following Reason –

- 115A** *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person’s employment.*

116 Schedule 3, page 193, line 12, leave out paragraph 7

COMMONS REASON

The Commons disagree to Lords Amendment 116 for the following Reason –

116A *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*

117 Schedule 3, page 193, line 22, leave out sub-paragraph (2)

COMMONS REASON

The Commons disagree to Lords Amendment 117 for the following Reason –

117A *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*

118 Schedule 3, page 193, line 38, leave out paragraphs (b) to (d)

COMMONS REASON

The Commons disagree to Lords Amendment 118 for the following Reason –

118A *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*

119 Schedule 3, page 194, line 1, leave out paragraph 11

COMMONS REASON

The Commons disagree to Lords Amendment 119 for the following Reason –

119A *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*

120 Schedule 3, page 194, leave out lines 11 to 22

COMMONS REASON

The Commons disagree to Lords Amendment 120 for the following Reason –

120A *Because it is appropriate for protection from unfair dismissal to apply from the beginning of a person's employment.*

LORDS INSISTENCE

The Lords do insist on their Amendments 23 and 106 to 120 for Reason 120B, and do disagree with the Commons in their Amendment 106A.

120B *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE, NON-INSISTENCE, AND AMENDMENTS IN LIEU

The Commons insist on their disagreement to Lords Amendments 23 and 106 to 120 but do not insist on their Amendment 106A and propose Amendments 120C, 120D, and 120E to the Bill in lieu of Lords Amendments 23 and 106 to 120 –

120C Schedule 3, page 189, line 14, for “(3)” substitute “(6)”

120D Schedule 3, page 191, line 13, at end insert –

“(6) Before making –
 (a) the first regulations to be made under subsection (4), and
 (b) the first regulations to be made in reliance on subsection (5)(b),
the Secretary of State must consult such persons as the Secretary of State considers appropriate.”

120E Schedule 3, page 191, line 27, at end insert –

“(5C) Before making the first regulations to be made in reliance on subsection (5A), the Secretary of State must consult such persons as the Secretary of State considers appropriate.”

LORDS INSISTENCE

The Lords do insist on their Amendments 23 and 106 to 120 for Reason 120F, and do disagree with the Commons in their Amendments 120C, 120D and 120E.

120F *Because the Lords wish the Commons to consider the matter again.*

After Clause 26

LORDS AMENDMENT 48

48 After Clause 26, insert the following new Clause –

“Definition of seasonal work

- (1) In making regulations under Part 1 of this Act, the Secretary of State must have regard to the specific characteristics and requirements of seasonal work as defined in subsection (2).
- (2) “Seasonal work” means work that –
 - (a) is performed during a particular period or periods of the year,
 - (b) recurs substantially in the same periods each year,
 - (c) is directly linked to a predictable and temporary increase in demand for labour during those periods,

- (d) includes work in sectors where such patterns are common, including but not limited to—
 - (i) agriculture and horticulture,
 - (ii) the creative industries, including theatre and live performance,
 - (iii) retail,
 - (iv) hospitality, and
 - (v) tourism and events, and
- (e) is entered into for a fixed duration not exceeding 26 weeks to meet the temporary demand.”

COMMONS REASON

The Commons disagree to Lords Amendment 48 for the following Reason –

48A *Because the amendment is unnecessary.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 48, to which the Commons have disagreed for their Reason 48A, and do propose Amendment 48B in lieu –

48B After Clause 26, insert the following new Clause –

“Definition of seasonal work

- (1) In making regulations under Part 1 of this Act, the Secretary of State must have regard to the specific characteristics and requirements of seasonal work as defined in subsection (2).
- (2) “Seasonal work” means work that—
 - (a) is performed during a particular period or periods of the year,
 - (b) recurs substantially in the same periods each year,
 - (c) is directly linked to a predictable and temporary increase in demand for labour during those periods,
 - (d) is carried out in one or more of the following sectors—
 - (i) agriculture and horticulture,
 - (ii) the creative industries, including theatre and live performance,
 - (iii) retail
 - (iv) hospitality,
 - (v) tourism, leisure and events, and
 - (vi) construction and landscaping, and
 - (e) is entered into for a fixed duration not exceeding 26 weeks to meet the temporary demand.
- (3) The Secretary of State may by regulations made by statutory instrument add further sectors to the list in subsection (2)(d), provided that work in those sectors meets the criteria outlined in subsection (2)(a) to (2)(c).
- (4) Regulations under subsection (3) are subject to the affirmative procedure.”

COMMONS REASON

The Commons disagree to Lords Amendment 48B for the following Reason –

48C *Because the amendment is unnecessary.*

LORDS INSISTENCE

The Lords do insist on their Amendment 48B for Reason 48D.

48D *Because the Lords wish the Commons to consider the matter again.*

Clause 59

LORDS AMENDMENTS 61 AND 72

61 Leave out Clause 59

COMMONS REASON

The Commons disagree to Lords Amendment 61 for the following Reason –

61A *Because it is appropriate to remove the requirement for members of a trade union to opt in to contributing to the political fund of the union.*

Clause 156

72 Clause 156, page 150, line 19, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 72 for the following Reason –

72A *Because it is appropriate to remove the requirement for members of a trade union to opt in to contributing to the political fund of the union.*

LORDS INSISTENCE

The Lords do insist on their Amendments 61 and 72 for Reason 72B.

72B *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE AND AMENDMENT IN LIEU

The Commons insist on their disagreement to Lords Amendments 61 and 72 but propose Amendment 72C to the Bill in lieu –

72C Clause 59, page 87, line 10, after “case,” insert “the earlier of—

- (i) a day specified in, or determined in accordance with, the rules of the union, and
- (ii)”

LORDS DISAGREEMENT AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendment 61 and 72, do disagree with the Commons in their Amendment 72C, and do propose Amendments 72D to 72H in lieu –

72D Clause 59, page 86, line 24, leave out from “fund),” to end of line 25, and insert, “for subsection (1)(ca)(i), substitute “a requirement for the person to make a choice (without which the application to join the union cannot be processed) between being a contributor to the fund or not being a contributor to the fund, and”

72E Clause 59, page 86, leave out from beginning of line 28 to end of line 9 on page 88, and insert –

“84 Contributions to political fund from union members

- (1) It is unlawful to require a member of a trade union to make a contribution to the political fund of a trade union if the member has not chosen to become a contributor.
- (2) For the purposes of this Act, a member of a trade union is deemed to have chosen to become a contributor to the political fund of the union if they –
 - (a) are an existing contributor to the political fund immediately before the date on which section 59 of the Employment Rights Act 2025 comes into force,
 - (b) have chosen to be a contributor under the provisions of section 82(1)(ca)(i) or subsection (5), or
 - (c) have chosen to become a contributor at a later date by submitting a political fund contribution change form under subsection (8).
- (3) A trade union must give a political fund contribution consent form to each member of the union within the period of eight weeks beginning with the day after the day on which a political resolution is passed by the members of the union under section 73.
- (4) A “political fund contribution consent form” is a form which requires the person to make a choice between being a contributor to the fund or not being a contributor to the fund.
- (5) Any member who is issued with a political fund contribution consent form under subsection (3) shall only be deemed to be a contributor if they have returned the form indicating that they wish to be a contributor.
- (6) A member of a trade union may change their choice about whether to contribute to the political fund at any time.
- (7) A member of a trade union may change their choice about whether to contribute to the political fund by completing a political fund contribution change form provided by their union and –
 - (a) delivering it (either personally or by an authorised agent or by post) at the head office or a branch office of the union;
 - (b) sending it by email to an address that the union has told its members can be used for sending such notices;

- (c) completing an electronic form provided by the union, and sending it to the union by electronic means in accordance with instructions given by the union;
 - (d) by such other electronic means as may be prescribed.
- (8) A political fund contribution change form takes effect at the end of the period of one month beginning with the day on which it is given.

84A Information to members about changing their choice on contributing to political fund

- (1) A trade union must give a political fund contribution change notice to each member of the union within the period of eight weeks beginning with the end of –
- (a) the period of one year beginning with the day on which a political resolution is passed, and
 - (b) each successive year,
- unless during that previous year the political resolution is rescinded or otherwise ceases to have effect.
- (2) A “political fund contribution change notice” is a notice stating that –
- (a) each member of the union has the right to change whether they are a contributor to the political fund of the union, and
 - (b) a member may exercise that right by completing a political fund contribution change form under section 84.
- (3) A political fund contribution change notice must be given in accordance with rules of the union approved for the purpose by the Certification Officer.
- (4) In deciding whether to approve those rules, the Certification Officer must have regard in each case to the existing practice and character of the union.”

72F Clause 59, page 88, line 25, leave out subsections (4) and (5) and insert –

- “(4) The amendments made by subsection (3) apply only after the end of the transition period.
- (5) In subsection (4) “the transition period” means a period of not less than 12 months, starting on the day on which this section comes into force, specified by the Secretary of State in regulations made by statutory instrument.
- (5A) Before making regulations under subsection (5) the Secretary of State must consult –
- (a) the Certification Officer, and
 - (b) all trade unions that have a political fund.
- (5B) A statutory instrument containing regulations under subsection (5) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

72G Clause 59, page 89, line 2, leave out “84(1)” and insert “84(2)”

72H Clause 59, page 89, line 6, leave out paragraph (b)

Clause 65

LORDS AMENDMENT 62

62 Clause 65, page 95, line 12, leave out subsection (2)

COMMONS REASON

The Commons disagree to Lords Amendment 62 for the following Reason –

62A *Because it is appropriate to remove the provision that industrial action is regarded as having the support of a ballot only if at least 50% of those eligible to vote in the ballot did so.*

LORDS INSISTENCE

The Lords do insist on their Amendments 62 for Reason 62B.

62B *Because the Lords wish the Commons to consider the matter again.*

COMMONS INSISTENCE AND AMENDMENT IN LIEU

The Commons insist on their disagreement to Lords Amendment 62 but propose Amendment 62C to the Bill in lieu –

62C Clause 156, page 151, line 6, at end insert –

- “(5) In deciding whether and when to make regulations under subsection (3) bringing section 65 (industrial action ballots: turnout threshold) into force for any purpose, the Secretary of State must have regard to what effect any provision made after this Act is passed for industrial action ballots to be conducted otherwise than by post has had, or is expected to have, on the proportion of those eligible to vote voting in such ballots.
- (6) In subsection (5) “industrial action ballot” means a ballot for the purposes of section 226 of the Trade Union and Labour Relations (Consolidation) Act 1992 (ballots on industrial action).”

LORDS INSISTENCE

The Lords do insist on their Amendment 62 for Reason 62D, and do disagree with the Commons in their Amendment 62C.

62D *Because the Lords wish the Commons to consider the matter again.*

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AMENDMENTS IN LIEU

Ordered, by The House of Commons,
to be Printed, *18 November 2025*.

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