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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Friday 3 February 2023

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The House met at half-past Nine o'clock

PRAYERS

The First Deputy Chairman of Ways and Means took the Chair as Deputy Speaker (Standing Order No. 3).

Gareth Bacon (Orpington) (Con) I beg to move, That the House sit in private.

Question put forthwith (Standing Order No. 163) and negatived.

Protection from Redundancy (Pregnancy and Family Leave) Bill

*Bill, not amended in the Public Bill Committee, considered.
Third Reading*

9.35 am

Dan Jarvis (Barnsley Central) (Lab): I beg to move, That the Bill be now read the Third time.

I am proud to bring this Bill to the House today. It is good to see the Under-Secretary of State for Business, Energy and Industrial Strategy, the hon. Member for Thirsk and Malton (Kevin Hollinrake) here and I thank him for all his engagement with the Bill since he came into post; it has been a very good working relationship and I am grateful to him for all his efforts and support. I also want to take the opportunity to say how grateful I am to his predecessors, the hon. Members for Sutton and Cheam (Paul Scully), for Loughborough (Jane Hunt) and for Watford (Dean Russell), all of whom have been incredibly helpful and provided important support in the Bill's early stages. I also want to take the opportunity to pay tribute to the officials at the Department for Business, Energy and Industrial Strategy, who have done an excellent job, as have the Clerks in this House; their work has instrumental in ensuring that we got to this point today.

It is also good to see hon. Members from right across the House here this morning. I thank colleagues from across the House who have previously contributed and helped us to get to this point. I think we are all in agreement that despite everything that has happened in this place in the past 12 months, everyone has put their shoulder to the wheel and worked together to ensure that the Bill has made it to its Third Reading. This Bill has enjoyed strong cross-party support. I am determined to ensure that we maintain that good work today and the Bill is sent on its way safely to the other place, where the noble Baroness Bertin will take up the baton. She has been a strong tribune for women and I know that the Bill will be in very safe hands.

Today, we have a precious opportunity within our grasp to make a real difference to more than 50,000 pregnant women and new parents each year. Many of us here know all too well the trials and tribulations of becoming a new parent. Everything can be a worry: how quickly or slowly the newborn is hitting milestones—breastfeeding, rolling over, sitting and crawling. A never-ending list of questions is racing through one's mind: "Why are they crying? Why are they not crying? Is that bottle that I

have put through the steriliser four times clean?" A lot of these worries are about issues beyond our control, but today we have the chance to alleviate some of that anxiety by ensuring that one thing new parents are less worried about is whether they will have a job to return to after taking parental leave. We are all aware of the challenges facing families today amid a cost of living crisis: rocketing childcare costs; a scarcity of affordable housing; high inflation; and job insecurity.

Catherine West (Hornsey and Wood Green) (Lab): My hon. Friend is making an excellent speech and I am delighted that his terrific Bill is already on its Third Reading. Does he accept that not only is there an important family side to this Bill, but, with the economy having its troubles, we are also seeking to encourage people to maintain their life in work with this Bill? So not only is it family-friendly, but it is going to give a spur to the economy.

Dan Jarvis: I am grateful for that intervention and I completely agree. My hon. Friend makes an important point. We have tried hard to craft this piece of legislation in a way that, as my hon. Friend says, is very much family friendly, but is also friendly to businesses and employers. We have huge productivity challenges in this country, and certainly the business owners who I talk to in Barnsley, in South Yorkshire and beyond believe in the importance of investing in their workforce. That is good for the employee, but it is also good for the employer.

We have worked hard to achieve the right balance. One of the ways in which we can demonstrate that balance is that we have support from those representing workers—the trade union movement—but also the support of the CBI. I am particularly proud of that. We have been able to find that sweet spot we always wanted: to be family friendly and support women in the workplace, but to do so in a way that is also helpful to businesses.

Matt Rodda (Reading East) (Lab): My hon. Friend is making an excellent point. This is hugely important work, and I commend the work he has done and praise both the CBI and the Trades Union Congress for their support of this important Bill.

Dan Jarvis: I am grateful to my hon. Friend for his intervention. He is right to praise and highlight the contributions made by a range of different organisations. I am grateful to my own union, Unison, for its extraordinary support, but the CBI and the business community have also been helpful and supportive. As anyone who has embarked on a piece of legislation will know, it is necessary to consult widely, and I have had extremely useful and positive feedback from the business community as well.

From some interesting recent conversations, I know that the decision to start or grow a family has never felt more expensive for so many people, and many are now concluding that, financially, they are not in a position to start a family—at the moment, it is simply unaffordable for them. What new parents need as a minimum is job security, which this Bill seeks to provide by extending redundancy protections for both pregnant women and new parents. That means that a statutory duty will be placed on employers to prioritise soon-to-be parents and new parents in a redundancy situation by offering them—not inviting them to apply for—a suitable alternative vacancy if their job becomes at risk. As Members from

[Dan Jarvis]

both sides of the House agreed on Second Reading, that will make a big difference to tens of thousands of working families every year.

Shamefully, we do have an epidemic of discrimination against women at work. In 2016, a BEIS-commissioned Equality and Human Rights Commission survey found that three in four women experienced pregnancy and maternity discrimination. Some 54,000 women a year lose their job simply because they are pregnant—it is a scandal. We are six years on from those shocking findings, but as yet no action has been taken to tackle the industrial-scale discrimination that women face; for too long, we have collectively failed to address that issue. I am determined to try to break the cycle of intolerance, inequity and inaction, because pregnant women do not just deserve to feel safe in their roles, but have a right to be safe.

With a cost of living crisis meaning that millions are falling into poverty, we cannot wait any longer to act. Discrimination was rife pre-pandemic, but mothers are one and a half times more likely than fathers to have lost their job since lockdowns began. Charities such as Pregnant Then Screwed do incredible work to support women facing maternity discrimination, and the personal stories of the pain and hardship women face, particularly during lockdown, are deeply troubling to hear.

On Second Reading, I told one story that was so deeply unjust, it still sticks in my mind: the story of Natasha. Natasha lost her job at the height of the pandemic. She was pregnant; she was the only employee to be dismissed from her team. Amid the chaos and disruption of 2020, with a baby on the way, Natasha was unemployed without the means to pay her bills. Then, as if things could not get any worse, a few weeks later, disaster struck: a miscarriage. In the middle of one of the worst public health outbreaks we have seen, Natasha had lost her baby and lost her job.

It is hard to comprehend the heartbreak and injustice that Natasha had to endure. The sad fact is that this legislation comes too late for women such as Natasha, but if we can get this right today, it will mark a positive step towards affording pregnant women more protection in their workplace and giving working parents the increased security of returning to their job after taking parental leave. Although the Bill will go some way to strengthening employment rights, on its own it is not a silver bullet. The issues with parental leave are vast. We cannot fix everything through a single piece of legislation. There is much more to be done, not least to bolster this new legislation and to support women taking their employer to court when a business flouts the rules.

Currently, the onus is on the woman, who, remember, is on maternity leave, to take the matter to an employment tribunal—a highly stressful and costly decision that must be made within three months. However, the 2016 findings showed that fewer than 1% of women—yes, 1%—lodged a complaint with an employment tribunal. Extending the time limit to bring forward a claim to six months was supported by every single stakeholder I engaged with bar none. These women deserve proper access to justice. One of the ways in which we can provide that is by extending the time limit. Bad employers must know that there will be consequences for their discriminatory treatment.

I am looking to the Minister now to give the evidence good consideration. When do his Government plan to implement the Law Commission's April 2020 findings and extend the time limit for all employment tribunal claims to six months? That would complement the Bill that we are introducing today.

I also wish to raise once more the issue that relates to the six-week qualifying period—this will come as no surprise to the Minister. Although these measures will not be in the Bill, they are none the less still important. Currently, there is a proposal to include within the regulations a qualifying period whereby a new parent must take six consecutive weeks of family leave to be entitled to the redundancy protections. I must again put on the record my concerns, which are echoed by stakeholders, that such a threshold could disproportionately impact a new mother who may be forced to curtail her maternity leave, for whatever reason, returning to work unprotected and vulnerable.

I know that the Pregnancy and Maternity Discrimination Advisory Board met last week to discuss the proposal. I understand that it was a constructive meeting and I am very pleased that there is an ongoing consultation on this before a final decision is taken. The Minister will be pleased to know that I do not need him to respond on that particular point today, but I would, in good faith, ask him again to give good consideration to the board's recommendations, so that we are able to protect as many new mothers as possible with this legislation.

Madam Deputy Speaker, time is short. Colleagues will be relieved to hear that I do not intend to detain the House for much longer, as I am keen to make progress with this Bill. However, I want to take this opportunity to thank all those who have supported it. On Second Reading, we heard moving and powerful testimonies not just from colleagues speaking on behalf of their own constituents, but from hon. Members who shared their own lived experiences, including the hon. Member for Motherwell and Wishaw (Marion Fellows), and for that I am grateful. I also wish to put on record my gratitude to the Equality and Human Rights Commission, Unison, the TUC, Unite the Union, the Royal College of Midwives, the Fawcett Society, the Chartered Institute of Personnel and Development, the CBI, Working Families and Mumsnet. I thank them all for their invaluable support to the process over the past year.

I also, again, want to thank the Minister and his team for their excellent work and the brilliant support. Similarly, the Clerks in the House have worked at their usual extremely high standard. I also thank the shadow Minister who has engaged patiently and closely and in the best traditions of the constructive support that we get from our own Front Bench, and I am very grateful to him. I thank also my own very small team, Alex Foy and Richard Mitchell, for their excellent work in getting us to this point.

We are here today to make a change for 54,000 women and new parents besides across Scotland, England and Wales. We are here to help protect people such as Natasha and the families who will benefit from the changes the Bill will bring. We have a rare and precious opportunity to make that happen. I very much hope that we do not miss that chance today and that the Bill goes forward.

9.50 am

Gareth Bacon (Orpington) (Con): I rise to support the Bill. I pay tribute to the hon. Member for Barnsley Central (Dan Jarvis) for all his work on this very important matter. As he mentioned, the fact we are here today, in 2023, no less, to debate giving women protections in the workplace is a clear indication that, despite all the progress we have made as a society, there is much more that still needs to be done to ensure fairness for all.

I am aware that legislation alone cannot be the only vehicle for progress. In general terms, we should be very careful when we call for increases in regulation, because those can have unexpected and unintended adverse consequences. That said, I believe the Bill is extremely necessary.

In 2019, the Department for Business, Energy and Industrial Strategy launched a consultation on pregnancy and maternity discrimination, and the possibility of extending redundancy protection for women and new parents. In response to that consultation, the Government pledged to extend current redundancy protections from the moment the employer was informed of the pregnancy through to six months after maternity leave has finished, as well as extending equivalent protections to those taking adoption leave or shared parental leave.

Those measures were included in an outline of a proposed employment Bill in the December 2019 Queen's Speech. However, in common with so much else, that Bill was entirely knocked sideways by the arrival of the pandemic a short while afterwards and the Bill did not get to the Floor of the House.

Between 2019 and 2021, my right hon. Friend the Member for Basingstoke (Dame Maria Miller) introduced three private Members' Bills aiming to prohibit redundancy during pregnancy, maternity leave and up to six months after, other than for a limited set of reasons. Unfortunately, none of those Bills received a Second Reading. The hon. Member for Barnsley Central is to be congratulated on both bringing the Bill and for working with the Government to secure support for it.

This place can be very fractious at times. Regrettably, most of the general public form their view by watching Prime Minister's Question Time. I wish more people would watch the proceedings of the House on a Friday, because they would see the House working at its best. Very often we come here on a cross-party basis and do things for the common good of our citizens.

I would like to bring attention to the context in which the Bill would have an effect. The current provisions in the Employment Rights Act 1996 allow the Secretary of State to make regulations with regard to redundancy "during" periods of maternity leave, adoption leave or shared parental leave. The Bill amends those respective provisions to allow regulations with regard to redundancy "during or after" such periods of leave.

The Bill aims to provide a safety net for pregnant women so that they are not unfairly dismissed from their jobs during or shortly after pregnancy. That is crucial, given that a woman, as the hon. Member for Barnsley Central has said, can be in a vulnerable position, especially after having her first child. Difficulties can also be experienced by women who adopt children, and it is right that the Bill also includes provisions for those circumstances.

The Bill will give increased job security at an important time in the lives of families. As the hon. Gentleman has said, the Equality and Human Rights Commission claimed its research shows that up to 54,000 new mothers a year may be dismissed from their jobs. That is an outrageous figure. For that to be even remotely true in 2023 is, frankly, scandalous. It is particularly concerning given that we, as a country, are proud of being a model for modern work practices.

In July 2020, the campaign group Pregnant Then Screwed surveyed 19,950 women and found that

"11.2% of women on maternity leave have been made redundant or expect to be made redundant",

of whom

"60.7% believe their maternity leave was a factor in the decision".

The fact that so many women consider that being on maternity leave was a factor in their employer's decision to make them redundant is cause for concern.

I believe the Bill is well balanced, because the measures will be beneficial to businesses as well as to employees. The Bill is likely to improve relations with female employees and reduce a source of conflict that can, in some instances, develop into costly and time-consuming legal cases. I am pleased that, alongside the reforms, the Government have committed to working with the Pregnancy and Maternity Discrimination Advisory Board to update guidance so that this type of discrimination in the workplace is further eradicated.

I speak as the father of an inspiring young woman. I know that parents across our great country raise their daughters in the hope and expectation that they will get into the workplace, have good careers and contribute to society, if they can develop the skills demanded by our businesses and economy. At the risk of repeating myself, I reiterate that our country is one of the best places for women to join the workforce and work; however, where further progress can be made, we should not hesitate to act to get there. It is only right that we remove any barriers that hinder women from achieving their ambitions. The Bill seeks to do that, so I very much support it.

9.55 am

Angela Richardson (Guildford) (Con): It is a pleasure to follow my hon. Friend the Member for Orpington (Gareth Bacon) and to congratulate the hon. Member for Barnsley Central (Dan Jarvis) on bringing this incredibly important Bill all the way to Third Reading. I regularly receive emails from constituents who care as deeply as all of us in this place do about making sure that pregnant women and new parents are protected in the workplace. I pay tribute to campaign groups such as Pregnant Then Screwed and groups such as Mumsnet that help to shine a light on all the injustices that are faced.

It has taken a long time, but we have made progress in making sure that the rights of pregnant women and those who want to start families are protected. I remember in the early 2000s, having just been married and allowed for the first time to take up a permanent role in this country, I was asked at interviews what my hobbies were. I said that I enjoyed knitting and was asked, "Is that for babies?" Of course, that sort of thing is not allowed these days. I was able to say that no, I had not knitted any baby things at that point, although it was not long after that that I was knitting them.

[Angela Richardson]

As someone who has had six pregnancies, three of which resulted in live, successful births, I am delighted that this legislation is finally coming forward. It has been a long time coming. The hon. Member for Barnsley Central cited the 2016 research by the Equality and Human Rights Commission that found that approximately one in nine mothers—11% of them—reported that they were dismissed, made compulsorily redundant when others in the workplace were not, or treated so poorly that they had to leave their job. That is a huge indictment of the workplace in 2016, which is not that long ago. It is clear that work still needs to be done.

It was good that the Women and Equalities Committee followed up with an inquiry and report on pregnancy and maternity discrimination in August 2016. These things always seem to take time. The Government responded in 2017 and acknowledged the scale of the pregnancy and maternity discrimination that was experienced. It is important that the Government recognised that they needed to bring forward proposals to ensure that protections were in place. In January 2019, the Government published a consultation to seek views on extending the protections. It was good that, in the 2019 manifesto on which I stood for election, the Conservatives committed to addressing pregnancy and maternity discrimination.

Scott Benton (Blackpool South) (Con): My hon. Friend is making an excellent speech highlighting the injustices that pregnant women and new mums face in the workplace. The Bill will go an awful long way towards addressing some of the challenges and injustices. Does she agree that the Government generally have a very good record on employment legislation since 2010? In 2019, Government Members stood on a manifesto commitment to further improve protections against pregnancy and maternity discrimination and to continue to ensure it is outlawed. Does she agree that the Bill is an important step towards achieving that?

Angela Richardson: I agree with my hon. Friend. That has been the case since 2010. Those of us who stood in 2019 participated in Zoom debates in early 2020, in the middle of covid, to discuss workers' rights and maternity provisions, and talked about what the Government had been doing to protect women.

I draw attention to clause 1(4), which allows for the regulations to provide for the protected period of pregnancy to commence after the pregnancy has ended. It allows, for example, a woman who has miscarried before, in informing her employer of the pregnancy, to access the redundancy protection that she would have been entitled to had she first informed her employer.

It is incredibly important that we in this place recognise the effects of miscarriage. At the start of my speech, I talked about the fact that I had had three live births, but I also lost three babies. I do not think that people realise the impact that that has on a woman, in terms not just of her physical health—a drop-off in oestrogen after a pregnancy can have an impact on full-term pregnancy and on those who have miscarried—but of her mental health. There may also be issues in the second trimester—I faced the issue in one of my pregnancies—with the milk coming in. You might not be prepared for those sorts of things. There is also the delivery. Many people think

that when you lose a baby, it is a clean operation—somebody goes in and sorts things out—but quite often, one delivers the lost baby. The recovery time for that is quite extended and important, especially if you have other small children to care for at the time.

All the protections in the Bill are incredibly important. I know from my own personal experience how important it is to recognise what women go through when they are trying to start a family or have more children in their family. I will be watching carefully how the Bill is implemented. Employers must take the protections incredibly seriously. I hope that when surveys are done—as they were in 2016—we see not just that the numbers have come down under the legislation, but that zero women face this sort of discrimination in the workplace.

10.2 am

Mr Gagan Mohindra (South West Hertfordshire) (Con): I thank the hon. Member for Barnsley Central (Dan Jarvis) and congratulate him on his important Bill. I know that the Government have been waiting to do something on this matter for a while, so I rise to support the Bill and hope for a unanimous decision if and when we vote on it.

Becoming a new parent can be an incredibly exciting but incredibly anxious time. The stresses about jobs being on the line can and do create additional pressure. A lot of progress has been made in this area, but as hon. Members have said, more needs to be done. I have spoken in the House about my own beautiful nieces and nephew. I want them all to have the same opportunities and support in the workplace, irrespective of whether they are male or female. My great and hon. Friend the Member for Orpington (Gareth Bacon) alluded to the fact that things are good, but there is much progress to be made. I have met his daughter, who will be a leading light in whatever industry she chooses to pursue.

As someone who was educated in the United Kingdom, one of my personal frustrations is that my female friends, who are head and shoulders above me in particular, face barriers to getting back into work when they choose to have a family. We continue to have low unemployment, and the Government continue rightly to focus on productivity. More than 50% of the workforce potentially have to step back. As and when they decide to come back into employment, it is typically to jobs that need to be flexible and so they are less successful in the eyes of the company.

I represent a lot of young families. In my South West Hertfordshire constituency, 32% of households have dependent children—that is higher than the England and Wales average of 28%—and the proportion of zero to 19-year-olds is higher than the national average. We would expect that in a home counties seat, where families typically start out. People get married, predominantly in London, but then when they are looking to have a family, they look out towards places such as Rickmansworth in my constituency, which is on the tube line, or where I live up in Tring, which normally has a good train service into London. Constituents should not in my eyes need to consider their job security when going through the emotional rollercoaster of hopefully starting a family or building on their family, but the sad reality is that in all likelihood that is absolutely a consideration they need to have, and that is why this Bill is so important.

As has been alluded to, back in 2015, the EHRC conducted a survey of 3,200 women, of whom a significant minority spoke about the difficulties they had, whether from being forced out of work by redundancy or effectively being forced out by the conditions they were having to work in post pregnancy. More than one in 20 of those mothers were put under pressure to hand in their notice. As someone who used to run a small business, that is shocking, because what any employer should be doing is nurturing their workforce. While there is loyalty with a pay packet, there should be loyalty based on the terms and conditions and atmosphere within work.

Each and every one of us in this place is effectively a small employer with the staff we recruit. I thank Sarah Varley from my office for helping me put together this speech. A lot of what we do is reliant on their expertise and support. It is not money that is the driver, but making sure they can have a lasting legacy through us as their representatives. As and when any of my staff look to hopefully get married and have children, I hope that this type of Bill will already be in place, such that they are not thinking twice about the conditions they are likely to come back to, whether they choose to come back into the political bubble in this place or to go on to bigger and better things.

Climbing the career ladder for women remains an obstacle. I have referred to my wife before, and she is more successful than I am and has been since the day I met her. She is a great woman, besides her judgment in men, but I will leave it at that. More seriously, when I look at people like her and her peer group, having the opportunity to drop in or drop out of a career path in my eyes should be quite normal. My friend the hon. and gallant Member for Barnsley Central was in the military for many years, and my hon. and gallant Friend the Member for Bracknell (James Sunderland) similarly had a solid career and then chose to do something separate by becoming an elected representative. The children of today are likely to have seven or eight distinct careers, and we should actively encourage the horizontal movement of successful people, because that is how we remain a cutting-edge country.

I have spoken a lot in this place about supporting wealth creators. Wealth creation does not necessarily mean supporting the unicorns; in my eyes it means supporting the SMEs to remain active and profitable. Some 80% of our economy is reliant on the SMEs doing well. I know that the Minister is a great fan of that narrative, and I look forward to continuing to support his excellent work in that area.

James Sunderland (Bracknell) (Con): I thank my hon. Friend for his excellent speech, and I agree with every single word. I think he touched upon this early when he spoke about economic benefit. Employers out there are thinking, “Oh my word, we need these people back in the workplace.” There are very good reasons for people being in the workplace, but does he agree that this measure will bring nothing but economic benefit to the UK by increasing the workforce and getting more out of the workforce, because we are treating them better?

Mr Mohindra: My hon. and gallant Friend makes an excellent point. As a Conservative, my personal philosophy remains that the state should get out of the way and only needs to step in as and when appropriate. In this instance, it is appropriate. On Second Reading, there

was talk about the German strategy. The hon. and gallant Member for Barnsley Central referenced that back in October 2022. My personal view remains that an outright ban on redundancies is not appropriate at this stage. We should always look to encourage better behaviour and good practice and, where appropriate, nudge that behaviour change, and this particular Bill does that.

I have referred to my personal experience as an SME, and the additional barriers that the Bill as it is creates are appropriate. However, if they became too onerous, the unintended consequences could be significant and make profitable companies unprofitable, with the workforce not in place. I remain supportive of this legislation because it is the right thing to do and it is structured in a way that, in my eyes, will have the most impact.

In terms of support for the reform, this Government and previous ones have continuously evolved this policy area in the right way. In January 2019, BEIS launched a consultation into pregnancy and maternity discrimination. More than three quarters of respondents agreed that the redundancy protection currently provided during maternity leave should be extended when someone returns to work. My hon. Friend the Member for Guildford (Angela Richardson) referred to the difficulty that a new mother experiences when they go back to work, and that they need additional support. Having a cut-off after pregnancy seems a bit harsh. The provision to extend it into the period of return to work is appropriate, because everyone needs a transition. A mother's body, family and lifestyle are fundamentally affected when they have the joy of welcoming a child into the world.

It is worth noting from that BEIS consultation in 2019 that the responses were positive from not only employees but employers, because they understood the benefits of doing this. That demonstrates the breadth of support for reform. More importantly, there is cross-party support in this place. I do not think that anyone at any stage in the Bill's progress has been against it. I am sure that the Bill will pass Third Reading today.

The Women and Equalities Committee conducted an inquiry into this matter, which found that pregnant women and mothers report discrimination and poor treatment in work more now than a decade ago. Although that may indicate a rise in women reporting such issues, it undoubtedly shows that the problem persists. This issue is still here and will not go away without our intervention.

10.11 am

James Wild (North West Norfolk) (Con): Like other hon. Members who have spoken, I welcome this important Bill. I congratulate the hon. Member for Barnsley Central (Dan Jarvis) on introducing it to the House and on his efforts to successfully secure cross-party and Government support so that it can make it to the point that it has today. Hopefully, later today it will pass through to the other place.

This Bill will address a gap in current protections by giving the Secretary of State power, by regulation, to extend protection against redundancy to cover a longer period during or after a period of pregnancy. The Secretary of State would have the power to make regulations to extend equivalent protections for those on adoption leave or shared parental leave after that period of leave has concluded.

[James Wild]

This Bill has been a long time in the making, and comes too late for the hon. Member's constituent Natasha, as he said. It was back in 2015 that the EHRC, working with the then Department for Business, Innovation and Skills, commissioned research into this issue, precisely to establish the prevalence and nature of pregnancy discrimination and disadvantage in the workplace. Other hon. Members have referred to the data, but it bears repetition. There was a shocking estimate that around 54,000 mothers may be forced out of their jobs each year. Some 77% of mothers said that they had had a negative or possibly discriminatory experience during pregnancy, maternity leave or on their return from maternity leave.

The second piece of research I want to mention was that carried out by Pregnant Then Screwed. My hon. Friend the Member for Orpington (Gareth Bacon) referred to the findings that more than 11% of women on maternity leave had been made redundant or expected to be made redundant, of whom 60% believed that their maternity leave was a factor in the decision. Those are the statistics, but behind them is the terrible impact on individuals and their families.

We in this House are here to protect people from such discrimination. That is what this legislation will do. As well as the surveys and work outside Parliament, it is right to recognise the action that the Government and other Members have taken to address the issue, including my right hon. Friend the Member for Basingstoke (Dame Maria Miller), who proposed a number of Bills on this issue. In 2019, the Department for Business, Energy and Industrial Strategy launched a consultation to extend the current protection to cover pregnancy and the period after—an extension of six months. In response, the Government pledged to extend the redundancy protections and to extend equivalent protections for those taking adoption leave or shared parental leave. That measure was included in an outline of an employment Bill in the Queen's Speech in 2019, shortly after the election. Understandably, the Government had to focus on leading the country through the pandemic, but happily, that employment Bill, rather like the break-up of AT&T and the creation of the Baby Bells, has now allowed a number of smaller Bills to flourish. Hopefully other Bills that we are discussing today will take forward what was in the employment Bill.

I warmly welcome the Government's support for this Bill, which demonstrates a commitment to protecting people's employment rights while maintaining important labour market flexibility, which has seen unemployment at its lowest in 50 years. It is important that employers and employees are aware of these new protections. I would be interested to hear more from the Minister about the Government's plans to work with business organisations such as the Federation of Small Businesses, the British Chambers of Commerce, the CBI and the Institute of Directors, as well as the TUC and other organisations, to promote the changes, so that companies know what they have to do, and individuals know what their rights are.

This is a framework Bill, and it is important to get the detail of the regulations right, which is why the affirmative procedure is appropriate in this case. Could the Minister update the House on when he expects to bring forward

those regulations and how much consultation there has been with the groups I have mentioned and others, to make sure we get this right?

We always have to be mindful of the need to minimise as far as possible the cost to business of the legislation we pass. Paragraph 24 of the explanatory notes states:

"The one-off cost to business of familiarising themselves with the new legislation, for example to amend their HR policies, is estimated at £30.4m."

I expect—and knowing the Minister, I am pretty sure this will happen—the Government to issue simple, clear guidance for companies to follow, to make this legislation as simple as possible to implement. There is a broader point about the need to revitalise our deregulatory agenda in other policy areas, to reduce the cost to business and back enterprise, as the Chancellor set out in his recent speech. There are lots of opportunities to do that, without the limitations of our being a member of EU.

In conclusion, there is a great consensus across the Chamber today, and I look forward to the Bill completing its remaining stages and delivering the greater protection for new mums during and after maternity leave that they deserve.

Madam Deputy Speaker (Dame Rosie Winterton): I call the shadow Minister.

10.17 am

Imran Hussain (Bradford East) (Lab): I know that this Bill has the strong support of Members right across the House. We have heard excellent speeches today from the hon. Members for Orpington (Gareth Bacon), for Guildford (Angela Richardson), for South West Hertfordshire (Mr Mohindra) and for North West Norfolk (James Wild). I know that we are all keen to wrap up proceedings in this House and send this important Bill to the other place, so I will not go into detail on the contributions that have been made, but the central theme that has run through the debate is that this is a very important Bill that rightly enjoys the support of Members across the House. This House is at its best when we come together on such important matters.

As my hon. Friend the Member for Barnsley Central (Dan Jarvis) said, and as I set out on Second Reading, this Bill is long overdue. Eight years ago, the Equality and Human Rights Commission found that 54,000 new mothers were forced out of their jobs because of either compulsory redundancy or workplace conditions that were so unwelcoming or so unsupportive that they had no choice but to leave. The House of Commons Women and Equalities Committee found, following the EHRC's report, that the discrimination and poor treatment that pregnant women and new mothers face was worse than it was a decade ago. That is disgraceful, and it falls far below the standards we should expect in this country. The hon. Member for Orpington was right to say that in 2023 that should shame everybody. We should be going forwards, not backwards, strengthening the rights and protections afforded to working people, not letting them erode. I am pleased that the Bill promoted by my hon. Friend the Member for Barnsley Central goes some way towards addressing the issue. The Government have done the right thing by joining the Opposition in supporting the Bill on its legislative journey.

Let me make two brief points, which my hon. Friend mentioned. Although I think we can all agree that the Bill should enjoy the support of the House, it is very much an enabling Bill and further regulations from the Minister are required. I am hopeful that the Minister will set out some timescales and further particulars for those regulations. The other matter, although it does not fall within the scope of the Bill, is the six-week rule that my hon. Friend quite rightly mentioned, which is very important. The tragedy is that that rule will exclude groups of people that it should not exclude. I do not believe for one minute that that is the aim of the Bill, and I think the whole House would agree that the matter needs clarification from the Minister and urgent attention.

Although I welcome my hon. Friend's Bill and although it has the full support of those on the Labour Front Bench and the rest of the Labour party, it should not have fallen to Back Benchers to introduce such legislation. The legislation should have been introduced by the Government, not through a private Member's Bill, as part of a comprehensive expansion of employment rights and protection. We would have liked to have seen the measures in the Bill introduced as part of the Government's much-promised but still to be delivered employment Bill. A general election is not expected for a little while yet—the Minister is preoccupied, but I am sure he agrees with that statement; I suspect that Government Members hope that that is the case—so there is still time for the Government to introduce such a Bill.

If the Conservatives will not introduce that legislation, the next Labour Government will do so: a comprehensive new deal for working people delivered within our first 100 days in office. It will not only extend statutory maternity and paternity leave to give new parents stronger protections, but tackle workplace sexual harassment, create a single enforcement body to uphold the existing rights of working people and working parents, introduce ethnicity pay gap monitoring so that we can tackle the issue of those from an ethnic minority background being paid less, and repeal the draconian Trade Union Act 2016, to empower working people to fight for a better deal, as well as the scandalous Strikes (Minimum Service Levels) Bill, which will see Ministers sack key workers for standing up to protect their jobs, pay and rights at work. As the party that has pioneered protections for women in legislation by introducing the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Equality Act 2010, the minimum wage and Sure Start, protecting working parents will always be a priority for Labour. We support this important Bill and congratulate my hon. Friend the Member for Barnsley Central on the work that he has done in bringing it to the House and guiding it every step of the way.

10.23 am

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kevin Hollinrake): It is a pleasure to speak in this debate with you in the Chair, Madam Deputy Speaker. First, let me thank my friend the hon. Member for Barnsley Central (Dan Jarvis) for bringing this important Bill forward for debate. It is one of three very important measures we are taking through the House today. We have this Bill on protection from redundancy, the Bill on carer's leave introduced by the hon. Member for North East Fife (Wendy Chamberlain)

and the Bill on the right to request regular hours, promoted by my hon. Friend the Member for Blackpool South (Scott Benton). Those measures are on top of other workplace changes that we have made or are making, such as those on neonatal care leave, the Employment (Allocation of Tips) Bill, which we debated only a couple of weeks ago, and measures on the right to request flexible working.

That is not really consistent with the implication of the hon. Member for Bradford East (Imran Hussain) that the Government are going backwards on workers' rights; far from it, we are absolutely taking this forward. He talked about the vehicle for doing so, and personally I think it is an absolute honour to be able to take through a piece of legislation such as this; it is a great honour for the hon. Member for Barnsley Central. I have had the chance to take through legislation on a couple of occasions during my career as a Back Bencher, and it is great to be able to do that, so I do not agree with the point made by the hon. Member for Bradford East. There are different ways of taking legislation forward in this place, and a private Member's Bill is a perfectly appropriate one. The Government support this measure.

As we improve workers' rights, it is however important to say—a number of my colleagues have referred to this, as did the hon. Member for Barnsley Central—that we must also consider the impacts on business. Clearly there are extra costs in measures such as these; the costs here are about £30 million initially for business through familiarisation costs and ongoing costs of about £1 million a year. We must consider the burdens on businesses as we take these measures forward.

There is a recognition now that, although covid's effects on our freedoms were temporary, the effects on the workplace are much more long term, and workers clearly now want a fairer and more flexible workplace. Business needs to provide that fair and flexible workplace if we are to solve some of the labour challenges across our nation. Those challenges are not just affecting this nation; many are attributing our labour shortages to Brexit, but I do not accept that characterisation. These problems are arising across the world; for instance, the USA currently has 10.7 million vacancies with only about 6 million people looking for work, a higher ratio of vacancies to people looking for work than ours. There are challenges right across the globe.

James Sunderland: The Minister is making a persuasive argument and I agree with everything he is saying. We heard earlier about the economic benefits of the Bill, and it is imperative to get more people back into the workplace. In Bracknell Forest in 2009, the birth rate was 1.86. It came down in 2019 to 1.65, and has come down again in 2022 to 1.58. Fewer women across the country are having children, which will have a detrimental effect on our economy in the future. Does the Minister agree that this Bill might encourage women to start families and have children, because they know employers will respect their rights and that they will not be discriminated against?

May I also raise the importance of early years funding, even though that is not a responsibility of the Minister's Department? It is essential that we do more to allow women to go back to work with their young children in early years care, for which we need more funding.

Kevin Hollinrake: I heard my hon. Friend's comments earlier about recognising the pressures on businesses and making sure that we consider their interests when making legislation, and I entirely agree with what he says. Some 575,000 people of working age have left the workplace since the pandemic started. We want to attract more of those people back to work, because they have an important role to play. There are talented people outside the workforce, and businesses need more people in the workplace; measures such as those in the Bill are required.

I liked the description of this legislation by the hon. Member for Barnsley Central as a sweet spot. It is absolutely right that we consider the interests of business alongside those of workers. My hon. Friend the Member for South West Hertfordshire (Mr Mohindra) talked about his small business background in his speech, rightly again looking at the interests of business as well as those of workers.

I thank all Members who have spoken on this important matter today and in previous stages; I am grateful for their participation. I also repeat the thanks from the hon. Member for Barnsley Central to my ministerial predecessors, my hon. Friends the Members for Watford (Dean Russell), for Sutton and Cheam (Paul Scully) and for Loughborough (Jane Hunt) and to others for their work in getting us to this stage, and I am pleased to confirm that the Government continue to support the Bill.

It has been heartening to observe support for the Bill from across the House, and I was pleased to hear that reflected in the debate. No one should have to face pregnancy and maternity discrimination. It has a pernicious effect on the immediate and longer-term employment prospects for women, and for businesses it can act as a drag on equality, productivity and, indeed, their reputation generally. That is why I am pleased that we are here today. The Government—indeed, the Business Secretary and I—are committed to ensuring that the UK is the best place in the world to start and scale a business. We need a strong and flexible labour market that supports participation and economic growth.

I would like to put on the record why the Government are supporting the Bill. When we talk about female economic empowerment, we tend to talk about positive, facilitative policies—parental leave and pay, flexible working, women on boards and so on—looking to drive positive action to achieve good or better outcomes. To help those policies have maximum impact, we also need to clamp down on poor or inappropriate practices such as discriminating against pregnant women or new mothers, or waiting for a woman to return from maternity leave when the current protected period ends and then making her redundant.

We know that one of the key drivers of the gender pay gap is the time when women stay away from work. Ensuring that women are not needlessly forced out of the workplace is therefore an important way of tackling that inequality and maximising the economic contribution that women can make. As the hon. Member for Barnsley Central explained to the House, the incidence of pregnancy and maternity discrimination and the poor treatment of pregnant women and new mothers is far too high. This is an unacceptable situation.

The law is absolutely clear that discriminating against women on the grounds of their pregnancy or because they are on maternity leave is unlawful. Legislation is in

place in the Equality Act 2010, which every employer must follow. There are also regulations under the Employment Rights Act 1996 and the Maternity and Parental Leave etc. Regulations 1999—the so-called MAPLE regulations—which currently put a woman on maternity leave, or a parent on adoption or shared parental leave, in a preferential position in a redundancy situation. My hon. Friend the Member for Orpington (Gareth Bacon) made the key point that that also applies to adoptive parents. It was announced in the December 2019 Queen's Speech that the Government would extend those redundancy protections to prevent pregnancy and maternity discrimination.

Earlier in 2019, the Government had consulted on extending the existing redundancy protections into pregnancy and for a period of return to work following relevant leave. The relevant types of leave are maternity, adoption and shared parental leave. Consultation respondents strongly agreed that six months would be an adequate period of time for redundancy protections to be in place after an individual on maternity leave has returned to work. Consultation respondents also strongly agreed that protection should be extended to parents who had taken adoption or shared parental leave. The Government's consultation response committed to extend redundancy protection during pregnancy and for six months after a new mother has returned to work, and to afford the same protections to those returning from adoption leave and shared parental leave.

Under MAPLE, before making an employee on maternity leave redundant, employers have an obligation to offer them, and not just to invite them to apply for, a suitable alternative vacancy where one is available. The Bill is important as it will allow us through regulations to extend MAPLE protection into pregnancy and for a period following the birth of the child covering the return to work period. The existing protection that applies when a parent is taking relevant leave will remain unchanged.

Let me now address some of the points made by Members today. The hon. Member for Barnsley Central made an important point about extending the window of access to employment tribunals. As I think he knows, tribunals do have discretion; they can, in specific circumstances, look at individual cases brought outside that three-month window which might normally be deemed to be out of time. The number of circumstances that might not fit within the window has increased owing to covid and other pressures, such as waiting lists. We are considering these matters, and will, I am sure, engage in further conversations with the hon. Gentleman.

We have talked before about the requirement for six consecutive weeks of leave that needs to be taken to qualify for extended leave, which was mentioned today by both the hon. Member for Barnsley Central and the hon. Member for Bradford East. We are looking carefully at that requirement, but the purpose of the qualification period is to ensure that these measures are targeted at those who need them most—those who have taken an extended period of leave, not just, for example, two weeks' paternity leave. Consultations are ongoing, and we are giving the issue earnest consideration. However, I can assure the hon. Member for Barnsley Central and other Members that our interests are aligned with those of workers, and that the people who really need this extra support are at the front of the queue.

My hon. Friend the Member for Orpington rightly raised the issue of balance between workers and businesses. My hon. Friend the Member for Guildford (Angela Richardson) spoke movingly of her own experiences. It was wonderful to hear that she has three children, but she also had three mishaps along the way. I am lucky enough to have four healthy children, but along the way my wife and I had a number of miscarriages, so we have had similar experiences and I do know how distressing it is when this happens. My hon. Friend talked about her experiences of miscarriage, and I think it is fair to say that it is far from straightforward. Pregnancy can be a wonderful time, but it can also be very challenging—a period of highs and lows even at the best of times. There can be pretty severe mental and physical impacts, which we should always bear in mind, and that is why this kind of flexibility in the workplace is so important. The last thing that any employer should do is add an injustice to insult and injury.

My hon. Friend the Member for Blackpool South talked about the Government's excellent record on workers' rights. The death of workers' rights has often been greatly exaggerated during debates in the House, but we are strengthening rather than diminishing them. In this regard we have always been way ahead of the pack, including European Union member states. I look forward to the debate that we shall have later today on the Second Reading of my hon. Friend's excellent Workers (Predictable Terms and Conditions) Bill.

My hon. Friend the Member for South West Hertfordshire talked about his nieces and nephews, and his wish to ensure that they would be given equal treatment when they entered the workplace. Good employers always do that, of course, but in this instance we have in mind employers who do not do the right thing, and this legislation is intended to ensure that they do in future. As Members know, I spent 30 years in business. What we are proudest of in business is our legacy and our reputation, and it seems to me that our reputation is founded on how we treat not only our customers but the people who work for us. That approach has tremendous recruitment and retention benefits for business.

My hon. Friend the Member for North West Norfolk (James Wild) rightly said that we were here to protect people from various types of mistreatment. That is indeed one of our jobs here in the House. He asked how we could promote these measures so that employers knew about them. We are consulting and working with key stakeholders such as the CBI, the Federation of Small Businesses and the TUC to try to ensure that these changes are as widely known about as possible in the business community. He also asked about regulations, as did the hon. Member for Bradford East. We are making good progress on regulations and officials are working at pace, although I cannot give an actual date for when those regulations will be in place. My hon. Friend will probably understand that we have some key considerations here and we want to ensure that we get things right as we bring them forward.

As I conclude, may I thank the civil servants who have worked fantastically hard on this Bill? They are coping with a huge amount of legislation at the moment, some of which has been brought in very rapidly, for obvious reasons. Let me name them individually: Tony

Mulcahy; Jenni Aara; Aoife Egar; Faye Penlington; Bryan Halka; Roxana Bakharia; Jayne McCann; Keisha Parris; and Cora Sweet, from my private office, who is sitting in the Box there.

To conclude, as my predecessors have said to this House before, these measures will provide invaluable support and protection for pregnant women and new parents. A little bit more security during these times in people's lives is so important. The evidence and analysis of the need to introduce additional protection is absolutely clear. Through the Government and the Equality and Human Rights Commission's own research, and the work of the Select Committee on Women and Equalities and others, we see that there is clearly a need for further support for parents at these times. The Government are pleased to support this private Member's Bill, which is wholly in line with our ongoing commitment to support workers and build a high-skilled, high-productivity, high-wage economy. The Government look forward to continuing work with the hon. Member for Barnsley Central and those in the other place to support the passage of these measures.

10.41 am

Dan Jarvis: With the leave of the House, I will take the opportunity briefly to thank Members for their excellent contributions this morning. We have heard some really meaningful, moving and impactful contributions, and I am very grateful for all of them, from different parts of the country. If the House will indulge me for one moment, I will reflect with satisfaction on the contribution that has been made this morning by Members from Yorkshire. A private Member's Bill that has been brought forward by a south Yorkshire MP has been supported by a Minister representing a great seat in north Yorkshire and a shadow Minister from west Yorkshire—and not for one moment would I have forgotten that in the Chair we also have an outstanding Yorkshire MP. I am very proud of the contribution we have collectively made. It is amazing what we can achieve in Yorkshire when we work together.

As has been said, this has been an extraordinary team effort. In addition to some brilliant contributions by Members from across the House, a range of organisations have done a huge amount of work in, and made a huge contribution to, getting us to this point. So I wish briefly to acknowledge the support and the hard work that has been done by Unison, the EHRC, the TUC, Unite the union, the Royal College of Midwives, the Fawcett Society, Pregnant Then Screwed, The Chartered Institute of Personnel and Development, the CBI, Maternity Action, Working Families and Mumsnet. I also want to echo the comments made by the Minister about the excellent work done by his civil servants, who have provided an outstanding contribution, as have the Clerks in this House. I am very grateful for the contribution that Members have provided.

At the heart of this Bill are those 54,000 women laid off each year simply because they are pregnant. Today, working together, we have made huge progress towards protecting women and new parents who are returning to work from redundancy. I am grateful for everybody's contributions and I commend this Bill to the House.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Carer's Leave Bill

*Bill, not amended in the Public Bill Committee, considered.
Third Reading*

10.44 am

Wendy Chamberlain (North East Fife) (LD): I beg to move, That the Bill be now read the Third time.

I start by congratulating the hon. Member for Barnsley Central (Dan Jarvis) on ensuring that his Bill has gone through its remaining stages and now passes to the other place—I hope to feel the same sense of achievement shortly. I am conscious that some in the Chamber today who are looking to speak will have personal experience of caring for a relative or other dependant, and I am very grateful for their participation in today's debate. With the leave of the House, I will save my other thanks for later on, but the number of Members who have spoken out about their experiences during the course of the Bill's progress has brought to life how widespread caring is for so many, both in this House and outwith. It is wonderful that following Second Reading and Committee, we have time to debate this important issue again today.

Statistics from the 2020-21 family resources survey show that approximately 4.2 million people across the UK are providing unpaid care by looking after an elderly or disabled family member or another dependant, and that the majority of those individuals are women aged over 50. In the previous debate, there was much conversation about how we get people back into the workplace; we know that the Government have a particular focus on those aged over 50, so I am very hopeful that they will continue to support my Bill, because I believe it will help towards that goal.

The reality is that becoming a carer is something that can happen to any one of us. Caring is a reality for many millions of people across the UK. It can take many forms: it can be day-to-day physical caring, washing, dressing and feeding for those who cannot care for themselves; it can be making medical appointments or arranging for paid care; it can even just be doing the shopping for a housebound elderly neighbour. Caring or being cared for is something that almost everyone will experience at some point in their life.

However, sadly, Carers UK research found in 2021 that 37% of working carers said that they needed unpaid carer's leave in order to manage working and caring, and a further one in seven said that without carer's leave, they would have to reduce their working hours or give up work altogether. Those statistics become even starker when we talk to carers of those with more debilitating conditions, such as multiple sclerosis. The preliminary findings of a recent survey of unpaid carers by the MS Society found that 13% of respondents had given up working and 20% had taken early retirement due to their caring responsibilities. Over two thirds said that their work had been impacted due to the help they provided to their loved one with MS.

My own experience, going out to my constituents to see if I could find people who would benefit from this legislation, brings those statistics to life. So many carers in North East Fife got in touch with me to say that they had already given up work because of their caring responsibilities. I very much hope that the Bill will help encourage some of those people to find a way back to work, and therefore make a contribution to the economy as well as providing that vital care.

The new employment rights in the Bill are vital at a time when the Government are trying to get people, especially the over-50s, back to work. I firmly believe that they will also help businesses, many of which are already under significant financial strain without the costs of staff turnover and continued recruitment. The successful passage of the Bill will be a significant milestone: carer's leave will provide increased flexibility to unpaid carers who are balancing paid employment with their caring responsibilities. It will enable them to take some time out of work if required, which will support them to stay in work because, vitally, they will not have to choose between caring and working.

The Bill creates a new entitlement for employees to take up to a week of unpaid leave a year in order to provide or arrange care for a dependant with a long-term care need. I certainly hope that, for example, things such as regular hospital appointments—those planned things that carers know are potentially going to happen—can be made easier by the provisions in the Bill.

All employees who meet the eligibility conditions will be entitled to that unpaid leave, regardless of how long they have worked for their employer. That means that the entitlement will be available to eligible employees from the first day of their employment, which is critical in overcoming the hurdles that carers experience when re-entering the workplace, or even when changing jobs—that was talked about in the previous debate by, I think, the hon. Member for South West Hertfordshire (Mr Mohindra). I was a police officer, and when I joined the police at the age of 22, I firmly expected to spend 30 years in the police service, but that is not how it has worked out. Portfolio careers—people moving between jobs—are increasingly becoming a feature of everyday working life. The Bill will help support that, because people will know that they can take its provisions into different jobs.

The leave will be available to take flexibly, in half-day increments. Importantly for employers and employees, there will be no requirement to provide evidence in relation to a request for carer's leave. That will make it easier for carers to take the leave and also benefit employers, as they will not have to deal with potential data protection issues, such as holding third-party medical details. Having worked in human resources, I know that will also help with the psychological contract, because if employees feel that their employers trust them in relation to taking the leave, that will help build up the good relationships that are so important in the workplace.

Employees taking carer's leave will have the same employment protections associated with other forms of family-related leave. That includes protection from dismissal or detriment as a result of having taken the leave. Bringing carer's leave together with those other forms of leave and making employment protections consistent makes it easier for businesses to administer and for employees to understand.

Importantly, the rights will be available to carers who do all types of caring for different sorts of people. The definition is simple: they must be managing the care of a dependent who requires long-term care. The Bill does not use the usual narrow definition of "dependent" and includes anyone who may "reasonably rely on the employee to provide or arrange care". That could be care for a spouse, civil partner, child or parent—my husband is a carer for his own mother—but it could also be care for someone who lives in the same

household as the employee, such as a tenant or a lodger, or even a next-door neighbour or an elderly couple down the road. One of the positives of covid—I always hesitate to use the word “positive” about covid—was the community spirit it engendered, and the help people gave to others in their communities; the Bill encourages that spirit. Such a broad definition will ensure that a highly diverse range of caring relationships are in the scope of the leave entitlements.

The definition of “long-term care need” is also broad. It includes disability, but it also encompasses a person with

“an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months”.

In addition, it includes a person requiring care for any reason connected with old age, so the definition is all encompassing.

I firmly believe that carer's leave is a right that has to work for businesses as well as for carers, for employers as well as for employees. While the leave is designed to be flexible and to fit around the day-to-day lives of carers, employees still need to give reasonable notice. The notice requirements broadly follow those for taking annual leave, so again they are easy to understand from both sides.

Carer's leave is a right to have, rather than a right to request. However, the Bill recognises that there may be circumstances when granting leave will be difficult, so an employer will be able to postpone but not deny the leave. That allows the space for employers and employees to come to arrangements that work best for both parties.

Over recent months, I have had the privilege of meeting some businesses that already have carer's leave in place, in order to learn how carer's leave works for them. I have learned that being carer friendly is not only not a detriment to businesses, but actually helps them. Employees who feel supported are more motivated and loyal. The cost savings on recruitment and additional productivity easily counterbalance any minor administration costs. On Twitter this morning, the Chartered Institute of Personnel and Development said it supports the Bill. I am a former associate member of that institute, but it is telling that the main body for HR in the UK recognises that the Bill is good for business and for its members. That tells us that the Bill is taking the right steps.

Many other hon. Members have also met with companies that are in favour of carer's leave, as I found out at the drop-in I sponsored last week. I thank the representatives of TSB and Centrica, who came to Parliament, for giving up their time to share their experiences with us. Carers UK runs an effective employers group and it is good to hear those positive stories.

Every experience of caring is unique. Without statutory employment rights, everyone's experience of dealing with their employer will differ. Some employers will be excellent in their support, others indifferent and many more somewhere in between. The Bill will benefit everyone, no matter where they are on that scale.

One key thing that came across in speaking to constituents and others who are carers was the in-built guilt they have as a carer. On the one hand, they feel guilty because they cannot give the care they want to give to their loved one or dependent. On the other hand, they feel guilt dealing with their employer to ask

for time off, potentially unpaid, and feeling they are not making a full contribution. Hopefully, the Bill will help to mitigate some of that.

One such constituent was Judith, who I spoke with last week to hear about her experience of caring and what the Bill would mean for her. She is currently working four days a week, hoping to move to three days, and is in positive conversations with her employer. She is responsible for her elderly father who, having had a tumour removed last year, has had more and more frequent hospital trips for treatment arising from that. His most recent visit lasted over a week and has left him very disorientated since he came out of hospital. Judith feels lucky in that she has been able to take unpaid leave from work, but she does feel that guilt I referenced and feels worried that the good will of her employer will not last for ever.

As I mentioned earlier, carer's leave as a right to have, not a right to request, should help—that is the key thing here. Judith does not yet have it as a right to have. The Bill will give her that, take away the guilt of asking work for time off and remove the worry of what might happen next. The reality is that the situation will only get more difficult for Judith and her family. Indeed, her brother has made the decision to give up work and rely on his pension. That is a very noble thing to do, and within the family they are all sharing the load, but it demonstrates, on trying to keep people in the workplace, that we have much more still to do to help enable people to continue to do both work and caring.

I have heard from employers who believe that this new employment right will be the catalyst for starting conversations about caring. Even within carer-friendly organisations, getting people to talk about their responsibilities, or simply to even recognise themselves as carers, can be a challenge. This new employment right makes caring as ordinary a part of working life as taking a sick day with covid or maternity leave after a baby. It will be a huge shift in how we understand carers. I have previously mentioned that the largest employer in my constituency, the University of St Andrews, has very good policies in place, but it recognised, when looking at the Bill, that it did not necessarily bring them all together properly. What happened was that people were coming to their line manager when they hit a crisis point, as opposed to engaging at an earlier stage to get the support they needed that meant their family did not hit that crisis point.

At the other end of the spectrum, for carers whose employers do not have any policies in place to support them, the new law will be a vital first step, both in the actual leave they can take and in feeling seen and supported in work. The multiple sclerosis survey I referenced earlier found that of carers who are currently employed, only 5.2% had been offered advice or support to help them stay in work. That is simply atrocious, and I hope the Bill will spark those conversations. Importantly, although carer's leave entering law will feel like an end, it is also a start.

There is still so much more we can do to support unpaid carers. In the long run, I hope most companies will offer paid carer's leave and that we may even get a statutory entitlement to such. We must fund day centres and reform carer's allowance, so that carers can potentially earn more before that allowance drops off. As I said to the Prime Minister before Christmas, the caring never stops.

[Wendy Chamberlain]

We can also do so much more to help carers into work through training and support. With the Carers Trust, I visited Camden Carers last week to learn about a project called Working for Carers, which is focused specifically on getting carers who have left the workplace because of their caring responsibilities back into the workplace. I met two participants, one of whom, Nicola, as a result of the help she had received, was setting up her own business, while the other, Amanda, was returning to work in education as a classroom assistant. It is proof that in the right conditions carers can work and be highly valuable to our economy.

This is an incredible day to see the Bill through its final Commons stages. I have had lots of “Well done, Wendy”, but I am very conscious that getting this opportunity starts with a number being drawn out of a big glass bowl. So there is a degree of luck, but I firmly believe it is what we do with that luck afterwards that is important. I very much hope the Minister will rise to confirm the Government’s continued support for the Bill. As anyone who has brought a private Member’s Bill will know, there is a certain level of anxiety in seeing your Bill go off to the other place without you, but I am confident that my colleague Lord Fox of Leominster will be an excellent guardian of the Bill and I thank him for taking it on. I will leave it there, Madam Deputy Speaker, but I hope to speak again later, with the leave of the House.

10.59 am

Danny Kruger (Devizes) (Con): I congratulate the hon. Member for North East Fife (Wendy Chamberlain) on not only her luck in having her name drawn out of the hat, but the drafting and presentation of the Bill, which I am delighted to support.

More than 4 million people in this country are unpaid carers for loved ones, and most of them are women over the age of 50. They are very common to us all as constituency MPs. I can think of several people who have been in touch with me about not only the challenges they face in getting support, but the just challenges of what it means to be an unpaid carer. We can all do everything that we can as legislators to ensure that the support for them is better than it is and that the process, particularly for applying for help, is smoother, but the reality is that, as the hon. Lady said, they work all the hours there are. Ultimately, they are dependent on themselves, their friends and family and their support networks. I honour them for everything that they do. In a sense, they are the backbone of our country and our communities and the foundation of our national life. In the words of Queen, they “make the rockin’ world go round” and I honour them for that—[*Interruption.*] I did not quote the whole lyric. [*Laughter.*]

The Bill is welcome and I am pleased that the Government support it. Of course, we made a commitment in our manifesto and there were plans in 2019 to introduce a Bill along these lines. It is shame that it has taken this long to get here, but I am pleased that we are supporting it. The fact is that many employers extend these sorts of flexibilities to their staff anyway, because they are good people. I was struck by what the Minister said in response to the previous debate about the importance that employers such as him place on their reputation. Their primary

reputation is based on what their staff—the people who work with them and know them best as employers—say about them. That reputation matters hugely, so it is no surprise that we all come across employers who do the right thing and are flexible with and sympathetic to their staff with caring responsibilities. As the Minister and the hon. Lady said, it helps the business to be a good employer in this way. It is not all about selfless action on the behalf of employers—even Yorkshire employers.

I am particularly struck by the provision, supported by the Government, for carer’s leave to be a day-one right. That is essential and reflects the fact that this is an important principle: it is something that is not earned through length of service but extended to an employee on day one. The value is not just for the employee but for the company, because it will help so much with recruitment in our very tight labour market. With all the social challenges that exist in our society, there are huge numbers of people who would like to work but for whom their caring responsibility comes first. For them to know that they will have the flexibility that the Bill gives them from day one is an enormous incentive for them to apply and take a job that is offered. It is, then, absolutely right for employers and the economy that we make this change.

That said, we obviously need to be careful. I look forward to seeing what the Government do in the drafting of the regulations that will bring this change into force. As I understand it, the regulations will determine how long the right to carer’s leave will be. It will be at least a week, but it could be longer, and I could totally support that, because in many cases it will need to be much longer than that. It probably should not be 365 days a year, because we do have to worry about people who take the mickey.

That leads me to my next point, which is that we currently have significant problems in our labour force and labour market. Too many people are not getting into work, and although I very much hope that this Bill will help to address that challenge, we do need further reform to our welfare system. I am not satisfied by the rate of success that we get out of our welfare system. Sadly, for all the great work done by many jobcentres and many of the civil society organisations that support them, the success rate of transforming an unemployed person into an employed person nevertheless remains too slow. We have to make work pay, and the Government are rightly prioritising a number of reforms and changes that need to happen to enable that. We need a higher-wage economy in which work pays better than welfare. We need to strengthen the conditionality around certain benefits to ensure that people understand that benefits are dependent on them looking for work and taking work when it is offered. We also need greater flexibility in the arrangements that people have in their employment.

I will end with a general point, to which the Bill speaks very well. My concern about our whole economic model and the way in which we conceive of work is that we have a very individualistic attitude to what we are as a worker. We think that work and life are separate spheres and that when we are an employee—a worker—our private life has no bearing on our work. In a sense, we can understand that. People need to leave their home life behind when they come to work; we all have to do

that in our jobs. We need to be a professional. However, it is not fair to say that people have these entirely separate spheres.

As the hon. Lady emphasised in her speech, people increasingly live a portfolio life. Life changes for all of us; things happen. It is right that the system recognises that, for all that we have to be a professional, for all that we should be seen as a responsible, accountable and autonomous individual, we have overlapping responsibilities in our lives of which the system should take note. Principally, that means that people need to understand the challenges that we have around time, and the obligations that may occasionally intrude on the time we can give to our employment.

I applaud the provision that the hon. Lady hopes will be in the regulations, which is to extend the rights to people who have responsibilities to their neighbours—obligations and relationships outside the home. I think that that is absolutely right. She mentioned the great benefit of covid. We should acknowledge that good things happened as a result of the lockdown, which was the way that neighbourhoods were strengthened and obligations to people who we might not have known well before suddenly became real. We need to recover and retain some of that spirit and neighbourliness, and the Bill might help with that.

Best of all is the support that the Bill gives to family life. We need to recognise families and the obligations that we have to our relations, our children, and our elderly dependants much more in the general system of regulation. I recognise that, through the benefit reform, which the Conservative-led Government over the past 10 years introduced, universal credit now properly recognises family obligations in the benefit system. The next stage is to recognise family obligations in the tax system, which, at the moment, remains much too individualistic and disregards the obligations that people have.

Almost every other comparable country—European and north American—recognises family obligations in the tax system. Uniquely, the UK does not. The result is that people with young children or with adult dependants are penalised through the tax system in a way that in other countries they are supported, and, fundamentally, that is what we need to change. I honour the hon. Lady's Bill and very much look forward to supporting it.

11.7 am

James Sunderland (Bracknell) (Con): I rise to commend this excellent Bill. It is what I would call a no-brainer—an easy win. I will, if I may, make two quick points about the hon. Member for North East Fife (Wendy Chamberlain). First, it must be a great thing to have a private Member's Bill that is being adopted by the incumbent Government. That is great. The Bill is so good that we have taken it as our own, and I thank her so much for that.

More broadly, I wish to commend her—and perhaps to embarrass her—for the very objective way that she engages with the House, particularly with the veterans' community and the all-party parliamentary group on veterans on which we serve. It is really great when the House comes together for this particular purpose. Fridays are always good for that. This is a really good Bill to get behind and support for the reasons that have been outlined.

I wish to make two points on the Bill itself. First, we know that it creates an entitlement for employees to be absent from work on unpaid leave to provide or arrange care for a dependant with a long-term care need. That is great. What I also like is that it will take its place in that suite of other protections that we have in law including: maternity; paternity; adoption; parental bereavement; and shared parental and parental leave. That is indicative of a Government who care. We are endorsing this Bill and have taken it as our own, with full credit to the hon. Member for North East Fife. The Bill also includes protection from dismissal or detriment because of having taken the leave, and it is good that that can be applied retrospectively if an employee has particular difficulty with an employer. That is a good thing.

I am very privileged to serve Bracknell. Bracknell Forest is a great place to work, live and play, and it has brilliant people. I am constantly meeting people in the constituency who care for others. I want to plug what we have locally. In 2021, 4.2% of Bracknell Forest residents reported providing up to 19 hours of unpaid care each week. We ignore these fantastic people—these heroes—at our peril. All of us are looking after somebody all the time, and it is amazing that we can provide a bit of extra assistance in law through this Bill.

I meet people in the Lexicon, in Bracknell town centre and on my travels, and I am blown away by the charity sector and the sense of community in Bracknell. It is completely unsurpassed by anywhere else I have been, and I am an old boy now, so I have been around a bit. Bracknell is a brilliant place with great people, and I thank everyone in Bracknell who is providing this care for others; it is so important.

I want to mention a couple of caveats with regard to the Bill. The hon. Member for North East Fife said that sufficient notice has to be given to employers. Actually, I would like to see a provision in the Bill that allows a carer to not be in the workplace at short notice if an unforeseen event takes place. It is difficult, because employers have to be given notice, but perhaps we could write further flexibility into the Bill so that, instead of these slots being bolted on to annual leave, they could be taken on an ad hoc basis. It equates to five full days or 10 half-days in one year. Why could we not write it into the Bill that, if something happens at short notice, the employee would be covered in law for half a day or a day at a time?

We cannot write a blank cheque for who the Bill applies to. We need to make sure that it relates to support for a nominated individual or individuals; it cannot just be a person living down the road or a neighbour. I want to see a bit more protection for employers in the Bill, so that the package of support is for named individuals who need that support.

Employment protections such as this will mean that more people who are carers can go back to the workplace. If they have this flexibility and extra support, they will go back into the workplace and want to be at work, because they know they can get away if they have to provide care for somebody. It will boost the UK economy. Our ageing population needs more support, and ultimately, this will mean that people who are caring for perhaps a parent or parents have the flexibility they need.

It is important that we do everything possible to entice people back into the workplace, and this support might help. We have 1.5 million job vacancies across the

[James Sunderland]

UK, and fewer people are in the workplace than were before the pandemic. In my constituency and in the south-east more broadly, we have so many job vacancies—employers are crying out for staff. It may be that, with this extra provision in law, people will be encouraged to go back into the workplace even if they are caring for other people. It is a no-brainer. Once again, I congratulate the hon. Member for North East Fife. Let us support the Bill.

11.13 am

Scott Benton (Blackpool South) (Con): I thank the hon. Member for North East Fife (Wendy Chamberlain) for bringing the Bill back to the House for its remaining stages. In Blackpool, over 16,000 people provide unpaid care to somebody else. As a consequence of our ageing population, more and more people are now acting as carers for a loved one. That obviously puts pressure on hard-working families, many of whom struggle with balancing their work commitments and other obligations with providing that care. Indeed, according to figures from Carers UK, one in seven people in the UK are finding it difficult at present to juggle work and care responsibilities.

The most significant aspect of the Bill is enabling those with elderly or disabled loved ones to take time away from work when unforeseen circumstances arise that necessitate them stepping in and providing that care. Many constituents have told me of the frustration they often feel when the local authority or the NHS care provider cancels existing arrangements at quite short notice. Such a situation leaves families frantically attempting to find alternative care or face the repercussions of not attending work. This Bill, among other things, helps to address that situation. It would mitigate the anxiety for those receiving care and for their families.

As the time off would be without reimbursement, it would leave employers at a minimal disadvantage. It is for those reasons that I believe that the Bill strikes a reasonable compromise to both employers and employees. Proposed new section 80J in part 5 of the Employment Rights Act 1996 recommends that such leave should not be taken continuously. I hope that the Minister will look carefully at the section and consider how to mitigate the risks of employees potentially abusing the goodwill of their employers by taking large amounts of unexpected leave for any reason. I look forward to his comments when he sums up.

The Bill is a positive step forward to support carers and to allow them to juggle their responsibilities, allowing them to stay in the workplace but also provide care, which relieves the pressure on stakeholders such as the NHS and local authorities. But it will also have an impact on businesses, particularly small businesses that may operate only with a few members staff at any one time and may find it difficult to bring in other staff to cover a leave of absence, especially at short notice.

During the passage of the Protection from Redundancy (Pregnancy and Family Leave) Bill, the Minister mentioned his own experience from business, saying that a business's reputation is not only how it treats its customers but how it treats its staff. I think that is very much the case. Although I am sure that the vast majority of businesses would stand by their staff and make sure that they can

balance their respective work, personal and care responsibilities, there could be a small minority of people who try to take advantage of those arrangements. We have to appreciate the additional costs that the Bill could entail to businesses, while bringing in positive steps to make sure that carers have the flexibility to look after their loved ones.

In our 2019 manifesto, this Government promised that they would

“extend the entitlement to leave for unpaid carers, the majority of whom are women, to one week.”

The Queen's Speech in December 2019 set out about how we would fulfil that important manifesto commitment. A subsequent consultation was launched on 16 March 2020, which sought views on the Government's proposals for an entitlement to carers leave. Responses to that consultation were published 18 months later.

The Government remain committed to ensuring that they extend workers' rights—we have just seen that in their support for the Protection from Redundancy (Pregnancy and Family Leave) Bill and, once again, in their support for this Bill. In his comments on that Bill, the Minister alluded to the fact that it is often this party that advances workers' rights. We have a long and proud history of doing that. Despite some of the ridiculous comments from the commentariat and Members in this House, not least on Monday during the passage of the Strikes (Minimum Service Levels) Bill, once again it is this Government who lead the way on protecting working people and ensuring that they have rights at work, while delivering economic growth. That is why I am proud to support not only this Bill but this Government.

11.18 am

Angela Richardson (Guildford) (Con): It is a privilege to follow my hon. Friend the Member for Blackpool South (Scott Benton). I congratulate the hon. Member for North East Fife (Wendy Chamberlain) on her excellent and comprehensive speech in which she covered a huge range of issues. It is great to see the second Bill in a row that is doing more for women and has women particularly in mind, because they will benefit predominantly from the hon. Lady's Bill. As has been said, approximately 4.2 million people across the UK are providing unpaid care at the moment. More than half of those carers are providing that care alongside their job, so there clearly is a huge number of people who are not working and who will not be impacted by this legislation, but we should always keep them in mind. This is going to be a hugely important Bill for those working who can only use annual leave or other forms of leave to help with caring responsibilities. I think it will be life-changing for them, and it also recognises what they are doing.

“Long-term care need” is defined as including any illness or injury likely to require at least three months of care, any disability under the Equality Act 2010 or any reasons connected with old age. I looked up the list of conditions that are described as disability under the Equality Act 2010, and I think they would come as a surprise to many people who are caring just because it is part of their life and it is their family situation and experience. They probably do not even know that the conditions those they are caring for have would qualify. The list includes sensory impairments, such as with sight and hearing, rheumatoid arthritis, ME, chronic fatigue syndrome, progressive conditions such as motor

neurone disease, muscular dystrophy and forms of dementia, respiratory conditions and organ conditions, developmental conditions such as autism spectrum disorder, learning disabilities, mental health conditions, mental illnesses and conditions produced by injury, including to the brain. There is a list of exceptions, too, but I think if people went and had a look at that list, they might be surprised that they qualify under this new legislation.

As the mother of a child with special educational needs, I know just how many appointments I needed to take my son to as he was being diagnosed, and it was over a long time and across different parts of the country. These are the things parents have to do to help children with long-term conditions. I know that the number of young people struggling with mental health illnesses is particularly high, and they are struggling to get support. This Bill will impact them.

I was delighted to hear that the Bill will go wider than just the family and go into the community, too. Before I became a Member of Parliament, I was a volunteer in my village of Ewhurst with an organisation called Ewcare, and the volunteers particularly looked after elderly people. They took them to their auditory appointments and their sight test appointments, but they also did things like, as I did, visiting people who are by themselves in the home. They had carers coming in, but the lady I was looking after, who was 93, had to go into hospital for repeated urinary tract infections. One of my jobs was to go in and bring her glasses that she had left at home so that she could read things while she was having her hospital care. The caring goes out into the community—it is much wider than the family—and it is incredibly important that the Bill recognises that we may have elderly neighbours for whom we have a regular responsibility.

It was great to see that Employers for Carers has said about this Bill:

“Employers who already have Carer's Leave in place say that it's a win-win situation, to support and retain key employees in the workplace, helping to keep business going and avoiding extra costs. The most forward-thinking employers go one step further and have provided Carer's Leave as a paid entitlement.”

This Bill is slightly different from that, because my understanding is that the entitlement is unpaid, but the fact that we have employers already providing this good level of service is great. Through legislation, we can ensure that every employer provides it to their workers.

In conclusion, I will be supporting this Bill today. It is incredibly important that we keep pushing forward the rights of workers, and it builds on the Conservative party manifesto in 2019, which I have already referenced, where we said we would

“extend the entitlement to leave for unpaid carers, the majority of whom are women, to one week.”

It also builds on the Queen's Speech in December 2019, which committed to introducing these measures. It is great to see that, working constructively with Government and Back-Bench colleagues from all parties, we can successfully act on the commitments that we made in 2019.

11.24 am

James Wild (North West Norfolk) (Con): I welcome the Bill and congratulate the hon. Member for North East Fife (Wendy Chamberlain) on introducing this important legislation and getting it to this stage before

it, hopefully, wings its way down the corridor to the other place. I also pay tribute to the millions of people across the country, and particularly the thousands of people in North West Norfolk, who provide care for some of our most vulnerable people. We all know from personal experience and talking to constituents the toll that providing care can take not just on mental and physical wellbeing, but on people's household finances and other responsibilities, including, of course, their jobs.

I would also like to recognise Carers UK for the vital work it does in supporting carers and for its tireless campaigning in favour of a statutory right of leave for carers. Juggling caring responsibilities and work is incredibly challenging and can limit the participation of unpaid carers in the marketplace. As Carers UK has said, the stresses and strains of having to juggle paid work alongside unpaid care have led to hundreds of thousands of people leaving the labour market entirely. On average, 600 people a day leave work to care. As well as it helping with people's wellbeing, the record levels of vacancies in the job market mean that it is vital we do everything we can to support unpaid carers to remain in work with this greater flexibility.

The Bill helps to address the challenges that carers face and tackle a long-running issue. Back in 2017, the Select Committee on Work and Pensions concluded that there was a strong case for carer's leave. The 2019 Conservative manifesto, on which I was elected, included commitments to introduce leave for carers, and in 2020 the Government consulted on proposals to give employees a week of unpaid leave each year to provide care. As was discussed in the previous debate, there was an employment Bill in the 2019 Queen's Speech, which for understandable reasons has not been taken forward. It is very welcome that another of the baby bells from breaking up that employment Bill will now go forward.

As I mentioned, Carers UK has campaigned for many years for the statutory right to leave. It said:

“The Bill would help support unpaid carers to remain in work. Given the current cost of living crisis, there has never been a more important time to do so. It would also bring significant benefits to business, and the wider economy.”

The impact of the Bill is significant. It gives rights to millions of people who have unpaid caring responsibilities, supporting them to remain in work and improving their health and wellbeing. It would mean that some 1.4 million employers to whom this applies would have to think about their employees and their caring responsibilities, and also the opportunity to boost retention and recruitment by doing so.

Since being elected to the House just over three years ago, I have worked with local organisations that support carers, including the Motor Neurone Disease Association, as well as West Norfolk Carers, for whom I was pleased to run the London Marathon a couple of years ago. I finished as the fastest English MP, out of interest, although my right hon. Friend the Member for Vale of Glamorgan (Alun Cairns) was a few minutes ahead of me. Sue Heal, a volunteer with the Norfolk, Norwich and Waveney branch of MNDA, with whom I have worked, emailed me this week to say:

“Recent research conducted by the MND Association found MND carers are physically and mentally exhausted, unable to access breaks and impacted financially. Many are also juggling caring with work and additional responsibilities.”

[James Wild]

She asked me to support the Bill on behalf of MND sufferers and their carers and I am very pleased to do so today.

Caring Together, a local charity that works across Norfolk, Cambridgeshire and Peterborough, wrote to me a couple of weeks ago also urging me to support the Bill and urging the Government to do so as well. They also called for the leave to be paid, and, as my hon. Friend the Member for Devizes (Danny Kruger) said, some employers will choose to do that. We hope that that is a direction that people will go in. The charity said that carers can get isolated, depressed, ill, and out of touch with family and friends. Therefore, I welcome the Government's support for the Bill, which demonstrates commitment to carers.

The Bill would amend the Employment Rights Act 1996, requiring the Secretary of State to create, by regulations, a new statutory entitlement to carer's leave. The Bill would require that any such leave entitlement must be at least one week per year. Importantly, as others have said, this leave would be a day one right, available to all employees without any qualifying period. It would apply to anyone caring for a spouse, civil partner, child, parent or other dependant with a long-term care need, and it would be able to be taken flexibly. I think this is a model piece of legislation.

This is a welcome change in employment law, but, again, it necessitates employees and employers knowing about the changes in advance, preparing for them and making sure that they are implemented most effectively. I understand that it is expected that the regulations will be laid and commenced in 2024, and I am sure the Minister will use the time between now and then to consult carers and employers properly to ensure that the legislation works and there is simple, easy-to-access guidance on the new rights.

Finally, it is worth mentioning that these changes will form part of a wider package of support for carers, with the Government's continuing to support the implementation of improved rights, as enshrined in the Care Act 2014. For example, I welcome the White Paper on social care, which outlined measures to support carers, including up to £25 million to kick-start a change in services, so that they can access respite, breaks and wellbeing support. The new integrated care boards—my local one is the Norfolk and Waveney ICB—will have a duty to involve carers when care is commissioned for their loved one. Taken together, these measures are helping to form a package of support that will ensure that carers can access the services they need, when they need them, and that carers are helped to balance their own lives, including employment, with caring responsibilities. I am very pleased to support this Bill.

11.31 am

Gareth Bacon (Orpington) (Con): First, let me pay tribute to the hon. Member for North East Fife (Wendy Chamberlain), who has promoted the Bill and spoken eloquently, both today and in previous stages of its consideration, about the need for its provisions. I will be supporting the Bill today. As has been said by my hon. Friend the Member for Devizes (Danny Kruger), who, unfortunately is no longer in his place, the Bill would have a positive impact on the lives of approximately

4.2 million people across Great Britain who currently provide unpaid care for a dependant. I say Great Britain, because of course employment law is devolved in Northern Ireland.

Many important contributions have already been made, both today and on Second Reading. I was unable to attend the Second Reading debate, so I read through *Hansard* in preparation for today. I was struck by a number of the contributions made then and I wish to draw the House's attention to the one made by my hon. Friend the Member for West Bromwich West (Shaun Bailey). He pointed out that at the beginning of the pandemic

"unpaid carers saved the state £135 billion."—[*Official Report*, 21 October 2022; Vol. 720, c. 997.]

The term "billions" is bandied about a lot these days and we have become a little numb to it, as though billions of pounds sterling were a mere trifle. The reality is that we are talking about a colossal sum. To put it into context, it is 58 times the amount of money the UK sent in military aid to Ukraine in 2022 and it is equivalent to three times our annual defence spending. So if my hon. Friend is correct, and I have no reason to doubt that he is, that alone makes a very strong case for the potential positive impact of the Bill on our society and economy.

I also wish to pay tribute to colleagues who have spoken about their constituents' experiences, and indeed about their own personal experiences, as unpaid carers. I was particularly moved to read the comments made on Second Reading by my hon. Friend the Member for Harrow East (Bob Blackman), who spoke about the devastating situation he faced as a young man in his 20s having to provide care for both of his parents, who were at that time suffering from cancer. That was an important contribution to the debate and it helped to illustrate vividly why we need this Bill to be made into law. Many across the country are fortunate enough not to have had to face such experiences, but, as he said,

"dependency on care can be sudden."—[*Official Report*, 21 October 2022; Vol. 720, c. 1000.]

It is important that we in this House make sure that the British people can be confident that they will not be penalised for doing the right thing when they take time off to help a loved one if and when the time arises. That is precisely what I believe this Bill seeks to achieve.

As my hon. Friends the Members for Blackpool South (Scott Benton), for Guildford (Angela Richardson) and for North West Norfolk (James Wild) have all pointed out, both the 2017 and 2019 Conservative manifestos included a commitment on entitlement to unpaid leave for carers. This was also included in the Queen's Speech of 2019, in the employment Bill, which, unfortunately was not able to proceed because of the onset of the pandemic. The hon. Member for North East Fife is to be congratulated on and thanked for bringing this Bill to the House, and I am glad that the Government have agreed to support it.

I turn to aspects of the Bill that it is important we keep under review. I draw attention to the impact assessment published in July last year. The Bill seeks to help employers through a regulatory approach. That, in practical terms, means more rules for businesses and employers to comply with and, whether we like it or not, a small increase in administrative costs. The impact assessment estimates

those costs as follows: a one-off cost to large businesses of adapting of about £4.7 million; and an annual cost to business of about £40 million. Of that, £9.3 million would be costs imposed on small businesses for administering leave among other things.

If we consider, as my hon. Friend the Member for North West Norfolk said, that there were 5.5 million small businesses in our country in 2021 and that, of those, about 1.4 million had employees, we must take into account that the employers with the highest number of employees will be paying the lion's share of those costs. It must be admitted that the costs are slight, but they could affect the decision making of employers weighing up whether to take on new staff. The impact assessment cannot quantify the cost of unintended consequences of the day one right or the fact that employees will not be required to provide evidence to request leave. As my hon. Friend the Member for Devizes said, we need to be on our guard to ensure that the right is not abused.

However, I am anxious not to make perfect the enemy of the good. The potential additional costs are a tiny fraction of what unpaid carers save the state and our economy. The Bill has great potential and, if we strike the right balance, we will get much-needed reassurance to so many people who might be worried about losing their job if they are faced with the agonising prospect of having no one to provide care for a loved one. This is a compassionate and well-intentioned Bill, and one that is clearly needed. I will consequently be supporting it today.

11.36 am

Mr Gagan Mohindra (South West Hertfordshire) (Con): It is a pleasure to speak in this debate, especially having heard all the contributions from around the House. I congratulate the hon. Member for North East Fife (Wendy Chamberlain) on promoting the Bill and on her stewardship in getting it to this stage. As others have said—this is similar to our debate on the previous Bill—this is a really important piece of legislation, affecting about 4.2 million people across the country. I should probably declare an interest as my parents are getting to a stage in their lives where caring responsibilities will be required. I totally endorse the view on family life given by my hon. Friend the Member for Devizes (Danny Kruger) and will build on it, because the quality of care is typically better and has healthier outcomes when provided by a family member—a loved one; someone who is known and trusted and who understands the nuances of how the person has led most of their life. When I visit my parents, their eyes light up, not necessarily because I can do any more than professional carers but because they see a reassuring face and someone they know that they can inherently trust to do the best for them.

Since my election to this place, we have had various debates about the health and social care system. This is an integral part of that network, which has a complex landscape. However, I think it is fair—fairness, in my eyes, is a main driver for the Government—that when people are doing the right thing by supporting their loved ones, the state, where appropriate, gives them the opportunity to do so. While they will be sacrificing their salary for those unpaid days, they are doing the right thing by stepping up for their loved ones.

As a culture, we are very different from other parts of the world. Typically, our households are not multi-generational where once they were, so when loved ones get involved more actively in supporting their elder parents, their young children who may need additional support or their siblings, the Government and the nation should do all they can to help provide for that.

Carers UK reports that, on average, 600 people a day leave work to care. Its 2019 report found that about 2 million adults had reduced their working hours to cope with their need to care. The point that I would echo is the stitch-in-time principle: where a person makes the sacrifice early and gets involved in the caring responsibility before it becomes too difficult, that leads to better outcomes for that person as well as for their loved one in terms of the stress related to looking after loved ones.

James Sunderland: I thank my hon. Friend for his excellent speech. He has an absolute gift for bringing human experience to life, and listening to him is always great. Is there a risk that people applying for jobs may be prevented from getting that job or discriminated against because they say that they are carers? We perhaps need to look a little more at not requiring potential employees to declare that they are carers.

Mr Mohindra: My hon. and gallant Friend is absolutely right to highlight that potential issue. The way I would read it, however—to go back to what the Minister said in the previous debate—is that reputation matters. For an employer, when an employee says that they have caring responsibilities, it shows loyalty. In my experience, it shows that the employee is more loyal, passionate and eager to do a good job when they are at work. If someone approached me for a job today and flexible working were part of their requirements, I would regard that as an asset. Part of the challenge is educating employers to understand that it is a benefit to have someone with that skillset in their workforce. It is, in my eyes, more important to be effective at work than just to clock in and out.

Let me continue humanising this story. I was contacted by Susan Graham, one of my constituents, a couple of years ago. She told me her personal story:

“I have been caring for my husband who was diagnosed with Parkinson's Disease 10 years ago. I have had to leave work to care for him and try to find other ways to help with our financial needs for our family.”

The fact that she has had to reach out to her constituency MP—despite the support that great third-party organisations and the voluntary sector can provide—is strong evidence that we need to do more. The Bill from the hon. Member for North East Fife is part of the long-term-solution jigsaw. I know that the Minister will understand that there will probably be an evolution in future legislation as a consequence of the Bill, but we need to balance that with employers and combat any unintended consequences.

A lot of work has been done in this particular policy area. Back in 2017, the Work and Pensions Committee found that carers often choose between taking a sick day or using a day's annual leave. The Committee concluded that there was

“a strong case for five days' statutory paid carer's leave based on the existing statutory leave system.”

[Mr Mohindra]

That is where I think this place does excellent work. Although we are all eager to make a positive impact on people's lives, our work needs to be evidence-based and involve all sides of the debate. In my experience, Select Committees are typically a good way of doing that, as are all-party parliamentary groups.

Information gathered for the 2021 census showed that 92,781 people in Hertfordshire provided care to friends and family. That number is just a portion of the national one, which shows the huge scale of the matter. The organisation Carers in Hertfordshire supports people who care for family or friends with physical or learning disabilities, dementia, mental health problems and much more. It has approximately 32,500 registered carers, so caring affects a huge number of people. Open Door, an excellent charity in my constituency, hosts a "memory café" every Friday. I have attended and seen at first hand the excellent work that it does by ensuring that those who are suffering have a support network. It also allows carers to get a bit of respite from the 24/7 challenges that they face. I take this opportunity to thank each and every one of those organisations and all the carers throughout the country.

To return to the topic of employers, we need to legislate properly, but we also need to ensure that this is not a one-sided debate. I referred earlier to my own experiences as a small business owner. We need to be conscious that although the unpaid aspect of the legislation is important, the time off may have a material impact on smaller businesses. I therefore think that the pro rata five days' annual leave is proportionate. My hon. and gallant Friend the Member for Bracknell (James Sunderland) suggested that it could be 10 half-days, and I think that is appropriate, because things are sometimes a bit ad hoc when a family carer needs to step up and help someone with, for instance, an appointment.

Employers who support their employees have lower staff turnover. In my experience, it inevitably takes a bit of time for a person joining the workforce to learn the nuances of a new employer, because while all employers will have the requisite skills and, probably, tradecraft, each one will have unique aspects. Treating employees well should be regarded as a bonus because it makes them better employees, so in terms of reputation and legacy that is the right thing to do. The Bill has tangible benefits for the employer as well as the employee.

Informal carers are forgotten about in parts of our legislation. They are currently not entitled to any dedicated statutory leave, and have to rely on other forms of leave. A tenth of all adults in the UK provide unpaid care for a friend or family member. I do not think that any Member, on either side of the House, wants unpaid carers to feel forgotten about, and I hope that the flexibility that the Bill allows will demonstrate, in a very small way, our gratitude for the selfless work that they do.

Madam Deputy Speaker (Dame Rosie Winterton): I call the shadow Minister.

11.46 am

Imran Hussain (Bradford East) (Lab): I join other hon. Members in congratulating the hon. Member for North East Fife (Wendy Chamberlain) on the fantastic job she has done in leading this important Bill through all its stages, and on another excellent speech which

summed up the concerns about this important issue. I also welcome the contributions from the hon. Members for Devizes (Danny Kruger), for Bracknell (James Sunderland), for Blackpool South (Scott Benton), for Guildford (Angela Richardson), for North West Norfolk (James Wild), for Orpington (Gareth Bacon) and for South West Hertfordshire (Mr Mohindra), all of whom made persuasive cases for the Bill. I am certain that all Members want it to complete its passage today.

As I said on Second Reading, about 5 million people currently care for their loved ones without pay, while at the same time holding down employment. These unpaid carers—these everyday heroes who help to ensure that those who can be cared for at home, surrounded by friends and family in a familiar environment, are indeed cared for at home—have no statutory right to take leave from their caring responsibilities, even when they are also easing the burden on our already overstretched and overworked NHS in the process.

The Bill has our full support today, but it has had a long journey, given that the Government first promised the right to statutory carer's leave nearly six years ago, and then again just over three years ago. As with many of the measures in this Session's private Members' Bills, the Government should have introduced this important statutory right in an employment Bill, but I am nevertheless glad that we are finally in a position to make progress with guaranteeing it. However, as I have pointed out in debates on the Bill's earlier stages, the statutory requirement for unpaid carer's leave is not enough. Although it gives them the right to take leave for caring responsibilities, it does nothing to support those thousands of unpaid carers through the financial challenges they face, even when organisations such as Carers UK say that it would increase productivity for employers and economic gains for the Treasury by improving retention rates, and although it would support working women, the group who are overwhelmingly the most likely to be juggling work and unpaid caring responsibilities.

That is why, although we have supported the Bill throughout its stages, the next Labour Government will be committed to building on this legislation and introducing a right to paid carer's leave in our new deal for working people.

11.49 am

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kevin Hollinrake): It is a pleasure to speak in this important debate, and I thank the hon. Member for North East Fife (Wendy Chamberlain) for her tremendous work in bringing forward this important legislation, which I am pleased to say the Government support. I am also very grateful for the cross-party support for these measures. It was a pleasure to attend the hon. Lady's carer's leave drop-in event on 25 January, and I was pleased that there is support from TSB and Centrica, and to see at first hand the good work led by Baroness Pitkeathley and Carers UK.

The Bill recognises the importance of the 4.2 million unpaid carers up and down the country, 2 million of whom are in work. It will provide employed unpaid carers with a new right to one week of unpaid leave per year to care for a dependant. Importantly, this will be a day-one right, available from the very first day of the job. From older employees to women and those with disabilities or long-term health conditions, where they

are providing or in need of care, the Bill represents an important step forward in supporting their needs and giving them a better chance of remaining in work.

Some fine points were raised in the debate. The hon. Member for North East Fife made the interesting point that many carers do not even know they are carers. That point was also raised in a side conversation I had with the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Mid Sussex (Mims Davies), who told me that for 25 years her mother was a carer to her father. She talked about some of the situations they faced, such as when she needed to attend a doctor's appointment with her parents to make sure that the needs of her father were understood. I know that the Bill is very important to her. The hon. Member for North East Fife also set out the broad range of such situations, including just going out to do some shopping.

The hon. Member for North East Fife also pointed out that this change in legislation reflects the change in our workplaces, and that it can improve trust between workers and employers, which is also very important. She rightly pointed out that lots of employers are already doing these things, and that the Bill merely formalises it for those who are while raising the bar for those who are not, because such steps serve to improve motivation, loyalty and productivity in the workplace.

My hon. Friend the Member for Devizes (Danny Kruger) quoted one of my favourite songs—it is probably best if I do not burst into song on this occasion, on the basis of the interesting lyrics. He rightly pointed out this is a day-one right and that it meets the needs of both employers and workers. Some 575,000 people of working age have left the workplace; we need them back and flexibility is key. He also pointed out the cost to business, which is £39.9 million every year.

I was delighted to hear from my hon. Friend the Member for Orpington (Gareth Bacon), who had actually read the impact assessment, quite rightly—not everybody participating in such debates does. The impact assessment always sets out the financial impact on businesses.

My hon. Friend the Member for Bracknell (James Sunderland) talked about the notice period, and he asked about very short notice situations. I can reassure him that there is an existing right to do that in law for emergency situations, but as for the notice period—also raised by my hon. Friend the Member for Blackpool South (Scott Benton)—a decent notice period is required which is twice the length of time expected to be taken plus one day, so a minimum of three days. It is fair on employers that they be given at least some notice, and there is a maximum likely allowance of seven days per year.

In response to the shadow Minister, the hon. Member for Bradford East (Imran Hussain), let me reiterate what I said in the previous debate: this Government are committed to improving workers' rights by any mechanism we can use. We are bringing forward this legislation and doing so much more quickly than by using the other ways he described.

My hon. Friend the Member for Guildford (Angela Richardson) paid a handsome tribute to unpaid carers up and down the country. My hon. Friend the Member for North West Norfolk (James Wild) also paid tribute to those who have campaigned for this leave over the years—that campaigning has been absolutely critical,

and today must be a very good day for them. My hon. Friend the Member for South West Hertfordshire (Mr Mohindra) gave some really touching examples, including that of Mrs Graham, who has had to care for her husband who has Parkinson's. It must have been very difficult for her to do so for such an extended period of time.

To conclude, carer's leave is important in improving carers' quality of life, but it will also benefit those who depend on the care provided by unpaid carers and, indeed, employers. We know that there are already some brilliant, supportive and flexible employers out there who are taking great steps to support those in their workforce with caring responsibilities, recognising the value of policies that help carers to stay in work. The Government are supporting the Bill, in line with our manifesto commitments, and I will end by thanking our wonderful civil servants who have worked so hard on this legislation: Tony Mulcahy, Leona Hoxha-Kartallozi, Amanda Marsh, Ana Pollard, Sarah West, Bryan Halka, Elena Hartley, Roxana Bakharia, Jayne McCann and, from my private office, Cora Sweet. I commend the Bill to the House.

11.56 am

Wendy Chamberlain: With the leave of the House, I want to thank everybody who has taken the time to be here today and to speak. It is worth mentioning that, as a Liberal Democrat, I follow in the path of others in my passion for carers and their rights: the work that my hon. Friend the Member for Twickenham (Munira Wilson) is currently doing on kinship care is very important, and our leader, my right hon. Friend the Member for Kingston and Surbiton (Ed Davey), has spoken many times in the House about his own caring experiences and has worked hard with organisations such as Carers UK to forward carers' rights.

It has been a real pleasure working in partnership with Carers UK, which I thank for its amazing support on the Bill; it has made things very straightforward. I also want to mention the Carers Trust and the Scottish Government's Carer Positive scheme—I have become an employer who supports carers myself, and I think that scheme should be looked at beyond Scotland. I also thank the carers working in North East Fife. They introduced me to the CRAP carers—the compassionate, resilient and patient group in St Andrews. I also thank the MS Society: I am grateful that it gave me sighting of its preliminary findings, which I mentioned in my Third Reading speech, and I hope the Government will take note of those findings when they are published later this year. I also want to acknowledge my senior researcher, Kathryn Sturgeon, who had her work on the Bill recognised by winning the project lead award in the inaugural cross-party staff network awards earlier this year.

I thank the staff in BEIS. We have seen one another regularly, and they have been a fantastic support; I know they did a great amount of work in the background on the Bill before it was introduced, consulting with stakeholders and formulating this policy area. As the Minister mentioned, he is not the only Minister I have been speaking with in relation to the Bill; I also recognise the hon. Member for Sutton and Cheam (Paul Scully), the hon. Member for Loughborough (Jane Hunt)—who spoke on Second Reading—and the hon. Member for Watford (Dean Russell). Both this Minister, the hon.

[Wendy Chamberlain]

Member for Thirsk and Malton (Kevin Hollinrake), and the Minister for Disabled People, Health and Work, the hon. Member for Corby (Tom Pursglove), came to my drop-in event last week, and I have photographic evidence of their support for the Bill as it goes on to its remaining stages.

I am so grateful to all Members who spoke today. There are too many to mention, but I hope that both the Minister's responses and what I have said in my speech have described the balance that we are attempting to strike by making carer's leave a day-one right. I really hope that people can bring their whole selves to work—the skills, knowledge and behaviours that they have as carers—in order to be able to work hard for their employers, and I hope the Bill mitigates some of the concerns about people potentially abusing the system. I do need to mention the hon. Member for Bracknell (James Sunderland), who said very kind words about me—I myself did not serve, but I worked for the Career Transition Partnership. He and I believe that the vast majority of veterans make a very positive contribution to the workplace, but hopefully the Bill will help provide support for those who need it.

The Bill is a huge step in the right direction for carers across the UK who volunteer to help loved ones with their caring needs. There is clearly much still to do in that regard, but I am very grateful to hon. Members for their support, and I look forward to watching the Bill's progress in the other place.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Worker Protection (Amendment of Equality Act 2010) Bill

Consideration of Bill, not amended in the Public Bill Committee

Clause 1

LIABILITY OF EMPLOYER FOR HARASSMENT OF
EMPLOYEE BY THIRD PARTIES

Mr Deputy Speaker (Sir Roger Gale): Before we start, I remind Members of the difference between Report stage and Third Reading. The scope of Report stage is amendments that have been selected. Third Reading will follow, and that covers the whole Bill, as amended. Members may wish to bear that in mind when they seek to catch my eye. The debate on the amendments is clearly and quite tightly defined.

12 noon

The Parliamentary Under-Secretary of State for Health and Social Care (Maria Caulfield): I beg to move amendment 1, page 1, line 1, at end insert—

“(1) The Equality Act 2010 is amended as follows.”

This amendment is consequential on Amendments 3 and 4.

Mr Deputy Speaker (Sir Roger Gale): With this it will be convenient to discuss the following:

Amendment 2, page 1, line 2, leave out “of the Equality Act 2010”.

This amendment is consequential on Amendments 3 and 4.

Amendment 3, page 1, line 11, at end insert—

“(1C) Subsection (1D) applies if and so far as—

- (a) a third party harasses B in the course of B's employment,
- (b) the harassment falls within section 26(1) (unwanted conduct related to a relevant protected characteristic) and not within section 26(2) or (3) (unwanted conduct of a sexual nature etc),
- (c) the conduct constituting the harassment involves a conversation in which B is not a participant, or a speech which is not aimed specifically at B,
- (d) the conversation or speech involves the expression of an opinion on a political, moral, religious or social matter,
- (e) the opinion expressed is not indecent or grossly offensive, and
- (f) the expression of the opinion does not have the purpose of violating B's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

(1D) For the purposes of subsection (1A)(b), A is not to be treated as having failed to take all reasonable steps to prevent the harassment solely because A did not seek to prevent the expression of the opinion.”

This amendment makes provision about when an employer can be held liable for the harassment of their employee by a third party. Its effect is that, where relevant conditions are met, employers will not be expected to prevent the expression of opinions in order to avoid liability.

Amendment 4, page 1, line 11, at end insert—

“(2) In section 109 (liability of employers and principals), after subsection (4) insert—

“(4A) Subsection (4B) applies if and so far as—

- (a) A harasses another employee (C) in the course of C's employment,
- (b) the harassment falls within section 26(1) (unwanted conduct related to a relevant protected characteristic) and not within section 26(2) or (3) (unwanted conduct of a sexual nature etc),

- (c) the conduct constituting the harassment involves a conversation in which C is not a participant, or a speech which is not aimed specifically at C,
 - (d) the conversation or speech involves the expression of an opinion on a political, moral, religious or social matter,
 - (e) the opinion expressed is not indecent or grossly offensive, and
 - (f) the expression of the opinion does not have the purpose of violating C's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for C.
- (4B) For the purposes of the defence in subsection (4), B is not to be treated as having failed to take all reasonable steps to prevent the harassment solely because B did not seek to prevent the expression of the opinion."

This amendment makes provision about when an employer can be held liable for the harassment of their employee by another employee. Its effect is that, where relevant conditions are met, employers will not be expected to prevent the expression of opinions in order to avoid liability.

Maria Caulfield: As the House is aware, the Government have provided their full support for the Bill throughout its passage. We believe that fundamentally everyone should be able to thrive in the workplace, without fear of harassment or violence, and the Bill helps to ensure that. The Government remain committed to this important piece of legislation and we hope it will continue to garner the strong cross-party support we have seen in its previous stages.

However, as with every new piece of legislation put before the House, we must be alive to any potential unintended consequences of changes in the law and seek to address those, where possible. There are concerns that the extension of protections against workplace harassment set out in the Bill, while entirely necessary, could inadvertently worsen the chilling effect on free speech in the workplace.

At present, under the Equality Act 2010, employers can already be considered vicariously liable for the harassment of an employee in the course of their employment, unless the employer can show that they have taken all reasonable steps to prevent the harassment from happening. Clause 1 of the Bill extends employer liability to also cover acts of harassment committed by third parties, such as customers or clients, if the employer fails to take all reasonable steps to prevent that harassment.

In 2018, the employment tribunal case of *Sule v. Shoosmiths* found the employer liable for harassment, following an incident when two employees were overheard within earshot of another colleague. There are concerns that such cases may cause some employers to feel under a duty to end or modify such conversations, in order to prove that they have taken all reasonable steps to prevent harassment.

Consequently, as a result of the Bill, it was feared that employers may take unreasonable or drastic measures to avoid liability for harassment of their staff, particularly by third parties, to the extent that they will feel obliged to shut down conversations conducted in their workplaces. That could include pubs seeking to prevent certain topics of discussion on their premises or universities cancelling or not inviting speakers to speak on matters that are considered controversial.

Therefore, the Government have tabled an amendment to the Bill to clarify to employers what is expected of them under the Bill, and the wider Equality Act 2010. We want the legislation to be clear, but while employers will be expected to take action against workplace harassment, those actions should fall short of prohibiting the conversation of others, subject to certain limitations that I will set out shortly.

The amendment is designed specifically to signal to employers and employment tribunals that in certain harassment cases, where the conduct concerns conversations where the claimant was not a participant, employers will not be expected to prevent the expression of opinion in order to avoid liability. Examples of cases where the claimant is not a participant could include overheard conversations or speeches not made directly to the claimant.

In those cases, an employment tribunal will not treat an employer as having failed to take all reasonable steps to prevent workplace harassment simply because they did not seek to prevent the expression of the opinion that formed part of the harassment claim. In other words, the amendment sets a ceiling on what can be considered reasonable steps for an employer. It does not seek to define what reasonable steps employers should take, but carves out one particular step that they are not expected to take.

The amendment will apply to cases of employee-on-employee harassment and cases of third-party harassment, with changes being made to both section 109(4) and section 40 of the Equality Act 2010 through amendments 3 and 4. Amendments 1 and 2 are simply consequential on amendments 3 and 4. However, a number of conditions all need to be met in order to trigger the amendment. Members can see those set out clearly in a list in proposed new subsections (1C) and (4A) in amendments 3 and 4 respectively. I hope Members will have the document to hand, as I will address each of the conditions in turn.

First, the amendments will apply only where the harassment is related to a protected characteristic and has taken place in the course of the claimant's employment. That means it will not apply to cases of sexual harassment or less favourable treatment because one has either submitted or failed to submit to sexual harassment, or harassment related to sex or gender reassignment, as described in section 26 of the Equality Act 2010. Secondly, as I have set out above, the harassment must involve a conversation in which the claimant is not a participant or a speech that is not specifically aimed at them. Thirdly, the conversation or speech must contain the expression of an opinion on a political, moral, religious or social matter. That would exclude, for example, opinions on individual employees. Fourthly, the opinion expressed must not be indecent or grossly offensive.

Finally, the harassment must not be intentional. Under the Act, harassment is defined as unwanted conduct that has the purpose or effect of creating a hostile environment or violating a person's dignity. The amendment will capture only cases where the harassment was not found to be intentional, as per the definition in section 26(1) of the 2010 Act. These limitations are intended to ensure that employers are not discouraged from taking steps to prevent extreme conduct, such as racial slurs or rape jokes, under the amendment. The Government are clear that such behaviour is not acceptable. The amendment is about protecting legitimate and appropriate workplace

[Maria Caulfield]

discussions, not targeted and grossly offensive remarks, or any form of sexual harassment. I should also be clear that the amendment will not affect the new duty on employers to take all reasonable steps to prevent sexual harassment in the workplace, as introduced in clause 2 of this Bill, which remains a key tenet of the Bill, as originally drafted.

To conclude, let me reiterate the Government's support for the Bill and its important provisions. The employer duty and third-party harassment protections introduced by clauses 1 and 2 deliver against two Government commitments made in our national strategy for tackling violence against women and girls. They have widespread public and stakeholder support, and will ultimately improve working culture across this country. Amendment 1 does not detract from that. It provides what we believe is a necessary clarification of the expectations that this Bill and the wider Equality Act place on employers in relation to workplace harassment. We hope it will assist employers and employment tribunals in the accurate implementation of the new legislation and, in doing so, safeguard our vital right to free speech. The Government greatly welcomes the fact that the Bill's sponsor, the hon. Member for Bath (Wera Hobhouse), has signed her name in support of the amendment. We hope that other Members will agree with our making this change and see the Bill on to the statute book as soon as possible.

Wera Hobhouse (Bath) (LD): This Bill cannot be allowed to fall. It will make a huge difference to the lives of many people in the workplace and will help to provide a cultural shift in attitudes towards appropriate behaviours at work. The Government's amendment will not impinge on the protections from sexual harassment in the Bill, which will be so important to many women across the country—although of course sexual harassment is not faced only by women. I have also been assured that the amendment should not stop employers prohibiting targeted, indecent or grossly offensive conversations in the workplace, meaning employees will still be protected from third-party workplace harassment.

After taking advice from the Fawcett Society and the Equality and Human Rights Commission, I have concluded that I should get behind the Government's amendments, because the overall aims of the Bill are so important and it is important that it is put into statute. As a Liberal, of course I do not want important political conversation to be shut down in the workplace; people should be free to express an opinion. However, we should be careful to ensure that expressing an opinion does not become a defence for harassment.

I was slightly disappointed that the Government tabled their amendments after Committee had concluded. That led to an enormous rush, and it was quite difficult to consult with everybody, but as I said, I have been assured and have concluded that it is the right way to progress with the Bill, and I support the amendment.

I urge the Government to listen to the concerns of the EHRC, which argues that the amendments could be more targeted and limited, and the National Alliance of Women's Organisations, which worries that the amendments risk diluting these changes, which seek to make workplaces safer, fairer and more respectful not just for women but

for everybody. I hope the Government will commit to ensuring the Bill's smooth passage into law, working with all stakeholders who have voiced their concerns.

Danny Kruger (Devizes) (Con): I rise to support the Bill and the amendments that the Government have tabled, with the support of the hon. Member for Bath (Wera Hobhouse). I recognise that, despite the Equality Act, we have a significant problem in our culture and our society: too many people are the victim of unacceptable and outrageous harassment, intimidation and abuse in their workplace, particularly sexual harassment. I recognise the powerful points that the hon. Member for Bath made. The problem arises largely because this harassment frequently goes unreported because it is ignored by employers.

We have a significant problem in the culture, so the question arises, what can the law do about it? I want to speak in support of the amendments that the Government have tabled but also raise some concerns about the drift in legislation that we have embarked on. I very much recognise the responsibility that employers have to set the atmosphere and to create the culture.

Mr Deputy Speaker (Sir Roger Gale): Order. At the start of the debate, I indicated very clearly the difference between Report and Third Reading. If the hon. Gentleman wishes to speak now, he must speak to the amendments. There will be an opportunity to go broader on Third Reading.

Danny Kruger: Thank you, Mr Deputy Speaker. I am speaking to the amendments, so I will be more specific.

Clause 1 is very helpful, and the amendments support it. I recognise that clause 1 as drafted would have protected Kathleen Stock, the professor at the University of Sussex who was the victim of harassment and intimidation at her university, when the university did not step in to support her. The problem is that it would have also prevented Kathleen Stock from speaking at other universities, because those universities would have insisted that their employees were the victim of harassment or abuse by her presence. We have a real problem with universities gold-plating the Equality Act and other legislation, and their excessive invocation of the Equality Act should not be happening. The problem I have with the clause as drafted is that it would not only have justified but could have necessitated the sort of censorship that we need to be concerned about.

I recognise that the Bill presents a particular challenge to public-facing employers, because it seeks to prevent intimidation on the part of not only fellow employees but members of the public. I am concerned about the concept of "reasonable steps" that employers are expected to take. I am going to make a few absurd suggestions, and I would be interested to hear the Minister's response to whether the amendments will indeed prevent such scenarios.

Will pubs be expected to put up signs saying, "No banter allowed" in order to take reasonable steps to prevent harassment? The three-strikes rule in the 2010 Act that was repealed in 2013 ensured that what was prohibited was a course of conduct that was harassing. Now employers are expected to head off at the pass any possibility of harassment, because they are liable at the first instance of harassment. Will pubs be required to proactively prevent anything that might constitute

harassment? The fact is that a censorious spirit has entered the soul of organisations that hold power and responsibility in our country. We have seen a somewhat absurd instance of that this week with the Welsh rugby stadium banning the singing of the song “Delilah” and the local police chief tweeting his support, as if it is his job to determine what fans sing.

12.15 pm

Let me put this absurd suggestion to the Minister: what if the crowd at a football match were to chant or to shout, “You’re blind,” at the ref, and a partially sighted steward, hot-dog seller or some other employee of the stadium were to hear that? Surely they would be entitled to at least make a claim under this Act. If not, I would be grateful for that confirmation. I very much applaud and recognise the amendment that has been introduced, and I wish to finish by confirming my support. There is a whole list of criteria that is now required for the Act to be enforceable. I am not totally clear about that, but I think I heard the Minister list all the criteria.

Wera Hobhouse: Perhaps I could advise the hon. Gentleman that the EHRC will give guidance to employers to help them get through these issues. We are waiting for the guidance, which will be published shortly. I advise him to look at that guidance.

Danny Kruger: I thank the hon. Member for that advice. I will look forward to that guidance, as I have great faith in that commission under its present chair to make sensible guidance.

For the sake of clarity, is it the case that the list of criteria—the eligibility for the law to be triggered—are individual criteria, so that if any of these criteria are not met, then the law does not apply? Or is it that every single one of them must be met for an employer to be exempt from the operations of the Act? I fear that if they are all required to be met, that is a very high bar for employers to get over, and I would rather it was just any of them being met.

I end by expressing my concern about how, increasingly, the spirit of our law is simply declaratory. We decide that something is bad in our society and we pass a law saying that it is bad and that it should not happen, and we expect that to work. What we need to consider in drafting and passing legislation is the actual effect of the law on the people who will be responsible for enforcing it, given the culture and the effect of the culture on the law. The law is a teacher, and we must be aware of the attitudes, the spirits, the fears and the politics, including the increasingly transgressive politics, of people with power in our country’s public life and about how they will use the laws that we are passing. In future times, what will be done with laws such as this? I would be grateful to the Minister if she could reassure me on those points.

Maria Caulfield: I thank my hon. Friend the Member for Devizes (Danny Kruger) for raising those points. The amendments make the case that any harassment must be directed to the employee; it cannot simply be third-party conversations that are overheard. To his specific point, all the conditions must be met for the amendment to be triggered. I recognise that he says that that is a high bar, but that is the case.

Turning to my hon. Friend’s examples, such as whether banter will be banned, I gently say that if it is directed at the employee, that can be sexual harassment. One person’s banter is another person’s harassment, and we need to be mindful of that. The other example that he gave was of a footballer: if the crowd are singing a song or directing a chant, that can be targeted harassment. We have multiple examples of footballers being targeted either because of their race or their colour. That is not acceptable and football clubs take action on that now.

As the hon. Member for Bath (Wera Hobhouse) said, guidance will be issued. We understand that it will be difficult for employers and we know that they need clarity. That is why we have tabled these amendments today. Third-party conversations that are not directed at an employee will be exempt, as is the case if all the conditions in the amendment are met. Direct harassment of an employee, whether that is banter or a song at a football match, is still harassment. That is why we need the Bill.

Amendment 1 agreed to.

Amendments made: 2, page 1, line 2, leave out “of the Equality Act 2010”.

This amendment is consequential on Amendments 3 and 4.

Amendment 3, page 1, line 11, at end insert—
“(1C) Subsection (1D) applies if and so far as—

(a) a third party harasses B in the course of B’s employment,

(b) the harassment falls within section 26(1) (unwanted conduct related to a relevant protected characteristic) and not within section 26(2) or (3) (unwanted conduct of a sexual nature etc),

(c) the conduct constituting the harassment involves a conversation in which B is not a participant, or a speech which is not aimed specifically at B,

(d) the conversation or speech involves the expression of an opinion on a political, moral, religious or social matter,

(e) the opinion expressed is not indecent or grossly offensive, and

(f) the expression of the opinion does not have the purpose of violating B’s dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

(1D) For the purposes of subsection (1A)(b), A is not to be treated as having failed to take all reasonable steps to prevent the harassment solely because A did not seek to prevent the expression of the opinion.”

This amendment makes provision about when an employer can be held liable for the harassment of their employee by a third party. Its effect is that, where relevant conditions are met, employers will not be expected to prevent the expression of opinions in order to avoid liability.

Amendment 4, page 1, line 11, at end insert—

“(2) In section 109 (liability of employers and principals), after subsection (4) insert—

“(4A) Subsection (4B) applies if and so far as—

(a) A harasses another employee (C) in the course of C’s employment,

(b) the harassment falls within section 26(1) (unwanted conduct related to a relevant protected characteristic) and not within section 26(2) or (3) (unwanted conduct of a sexual nature etc),

- (c) the conduct constituting the harassment involves a conversation in which C is not a participant, or a speech which is not aimed specifically at C,
- (d) the conversation or speech involves the expression of an opinion on a political, moral, religious or social matter,
- (e) the opinion expressed is not indecent or grossly offensive, and
- (f) the expression of the opinion does not have the purpose of violating C's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for C.

(4B) For the purposes of the defence in subsection (4), B is not to be treated as having failed to take all reasonable steps to prevent the harassment solely because B did not seek to prevent the expression of the opinion.”—(*Wera Hobhouse*.)

This amendment makes provision about when an employer can be held liable for the harassment of their employee by another employee. Its effect is that, where relevant conditions are met, employers will not be expected to prevent the expression of opinions in order to avoid liability.

Third Reading

12.19 pm

Wera Hobhouse: I beg to move, That the Bill be now read the Third time.

The Bill has a simple aim: to create respectful workplaces free from harassment where employees feel valued and supported. Today, we can move a step closer to that by creating an employer's responsibility to clamp down on harassment. I start by thanking the Fawcett Society and the Government Equalities Office officials who have supported me throughout the Bill's progression. My thanks go also to the Women and Equalities Committee, whose 2018 report into workplace harassment set the wheels in motion for the Bill. There has been vital cross-party support to ensure this important legislation progresses. I hope that spirit of consensus continues today. It will send a clear signal from us here in Parliament that workplace harassment must end.

The Bill focuses on strengthening protections against workplace sexual harassment and introduces protections against more general harassment by third party actors. Workplace sexual harassment is widespread and under-reported. It continues to be a stain on our society. Half of all British women and a fifth of men have been sexually harassed at work or place of study. A TUC survey suggested 79% of women did not report their experience of sexual harassment. Too many people suffer in silence partly because they feel unable to report it. Reporting can have severe career and reputational implications. Employers must shoulder some responsibility for that. The Equality and Human Rights Commission found that in nearly half of cases where employees made a report, the employer did nothing, minimised the incident, or placed the responsibility on the employee to avoid the harasser.

The impact of harassment in the workplace has devastating consequences on health, morale, and, last but not least, performance. Current harassment laws mean employers often adopt individualised responses to institutional problems. This allows employers to minimise harassment, causing confusion around appropriate responses. For things to improve, we must shift the focus from redress to prevention. The Equality and Human Rights Commission found in 2018 that a minority of employers had effective processes in place to prevent

and address sexual harassment. Employers should have a moral and legal obligation to take all reasonable steps to stop sexual harassment from happening. The Bill will force them to act.

Clause 2 will impose a new duty on employers to take all reasonable steps to prevent their employees from experiencing workplace sexual harassment. It will not require employers to do anything substantially more than what they already should be doing to avoid legal liability for harassment carried out by their employees. However, if employers have failed to take those actions, they could face further enforcement action through an uplift to the total compensation awarded at an employment tribunal, or through the EHRC's strategic enforcement. That should encourage employers to improve their workplace practices and culture to discourage sexual harassment.

The new duty will operate through dual enforcement. First, the EHRC may take enforcement action for a breach or suspected breach of the duty under its strategic enforcement policy. That would mean employees would be able to inform the EHRC of any concerns without necessarily having to take forward legal action against their employers themselves. Secondly, the employer's duty will be enforceable by the employment tribunal in individual cases. Where the employment tribunal has found in favour of an individual claim of sexual harassment and has ordered compensation to be paid, the tribunal will examine whether and to what extent the duty has been breached. Where a breach of the duty is found, tribunal judges will have the power to order an uplift of up to 25% of the compensation.

The Bill will also introduce explicit protections against third-party harassment in the workplace—this is where the amendments are most relevant. Clause 1 would make employers liable for the harassment of their staff by third parties such as customers and clients, where they have failed to take all reasonable steps to prevent such harassment. These protections will apply to all acts of third-party harassment in the workplace, not just sexual harassment. Once again, there will be a system of dual enforcement.

A claim of third-party harassment could be brought after a single incident of harassment. That replaces the previous three strikes formulation, whereby employers needed to know of two previous incidents of third-party harassment before they could be considered liable. However, liability can arise only if an employer has failed to take all reasonable steps to prevent harassment. The Government Equalities Office will support the EHRC in creating a statutory code of practice on sexual harassment and harassment in the workplace, to support employers to implement the changes that will come into force 12 months after Royal Assent.

There is plenty of opportunity for employers to make themselves well informed of the changes and ensure that they can implement them. There will be a consultation as well. There is plenty of time to further consider people's concerns on all sides. I encourage all Members to make themselves very knowledgeable about the changes and the guidance that will be provided shortly.

Danny Kruger: I thank the hon. Lady for that point. It is important that we trust the organisation that will design the regulations. Does that not mean, if we are essentially outsourcing the definitions that will be

implemented under this law, that a future regime at the Equality and Human Rights Commission may come up with different guidance that will be much stricter than what we are passing today?

Wera Hobhouse: Perhaps we should trust ourselves a little more. This Bill is not about heavy penalties on people but about creating workplaces where everybody feels valued. I am sure that everybody across this House will support that. That is the aim of the Bill, not to create huge penalties for employers now.

We all need to acknowledge where harassment takes place. As we heard from the Minister, we all need sometimes to recognise that someone's banter is another person's harassment. To create and develop sensitivity to how people feel about things, and to have conversations in the workplace where we can be open to talk about these things, will lead to the workplace that I would like to see in future. I have some confidence that in the end, we will all be supportive of that. I hope that the hon. Gentleman's concerns will be addressed; he will see the guidance that is being created and that it is about all reasonable steps being taken. It is, in many ways, about common sense—what is a reasonable step and what is an unreasonable step. I am sure that we can all move forward together.

There is plenty of time to look at the code of practice. I encourage everyone to make themselves knowledgeable. It will be based on the technical guidance that the Equality and Human Rights Commission published 2020, and will be introduced as the new legislation comes into force. The EHRC will have a duty to consult on the code of practice in advance. In the meantime, the Government's Equalities Office has produced guidance, which they will publish in due course.

The Government tabled amendment 3 to clause 1, which means that, where harassment relates to a protected characteristic, employers will not be expected to prevent the expression of an opinion to avoid liability, where certain conditions are met. The conditions are where the harassment involves a conversation in which the claimant is not a participant, or a speech that is not aimed specifically at them; where the conversation or speech contains the expression of an opinion on a political, moral, religious or social matter; where the opinion expressed is not indecent or grossly offensive; and where the harassment is not intentional. The amendment will not apply in cases of sexual harassment.

Workplace harassment should be seen as an epidemic, and it is time that we treat it in that way. During flu season, employers do not wait for employees to get sick: they proactively invest in and implement evidence-based prevention measures to keep workplaces healthy and productive. This Bill encourages the same focus on prevention to tackle harassment. I therefore call on the House to support my Bill, which will enshrine in law historic measures to protect employees against workplace harassment.

12.30 pm

Mr Gagan Mohindra (South West Hertfordshire) (Con): I commend the hon. Member for Bath (Wera Hobhouse) for bringing forward the Bill. I rise to support it, as amended. No one should have to suffer harassment in the workplace, but the sad reality is that it still affects

around 1.5 million people per year. It does occur and we need to encourage employers to take it seriously, and to take all the necessary steps to prevent it and take action and provide the necessary support when it happens.

The Bill—I applaud the amendment—asks that “reasonable steps” be taken. My hon. Friend the Member for Devizes (Danny Kruger) mentioned language: is banter going to be regarded as harassment? That is an area of concern. I look forward to seeing how as a Government we ensure the correct balance. We need to ensure the safety of individuals so that they can go about their daily lives as normal without preventing what I hope would be a bit of joviality in the workplace. Nevertheless, it is a balancing act, and one that any responsible employer should always be sure to reassess and take feedback on. There should be a feedback loop to ensure that the team atmosphere is appropriate and that no one individual feels harassed or picked on.

Women in the workplace remains a significant issue. When carrying out research for previous speeches, I took the opportunity to speak to various friends and family, and each and every one of my female friends and family had been harassed at some point in their lives. I regard that as a cultural issue, but I stress that most of the people I know—I would argue probably all of them—are not harassers. A very small minority of our community have the biggest negative impact, and those are the people we need to call out. This Bill will be part of the arsenal that we as a Government are putting together to ensure that people feel safe in all walks of life.

Back in November 2017, a BBC survey found that 40% of women and 18% of men had experienced unwanted sexual behaviour in the workplace. That was reported on in a 2018 inquiry by the Women and Equalities Committee. Between 5% and 18% of those surveyed said that the initiator was a client or customer. That is a pretty significant proportion, which is why I support the Bill. It is not always about those in the immediate workplace—it could be people walking through the door and being totally inappropriate—and the Bill will address that and allow the employer to consciously make a decision about how they can make sure these things do not happen again.

One of the cultural things that I try to do in my office is say, “If you make a mistake, I’m not going to be too upset about it, but learn from it. Don’t make the same mistake twice.” At the same time, I try to make a mistake every day, because that proves that I am trying something new. That is not to say—my hon. Friend the Member for North West Norfolk (James Wild) is laughing at me—that I am harassing anyone; it is me saying, “Let me try something different, be ambitious and continue to evolve.”

This legislation is important, but my hon. Friend the Member for Devizes was spot on when he said that the narrative can be extrapolated very quickly if we do not keep a watch on the unintended consequences, especially in respect of the terms and definitions. While I remain supportive of the body that will deal with the rules and regulations on this, it will not take much for one or two people within those organisations to have a significant impact on how the measure is interpreted in the workplace. While we create legislation in this place, the most important bit is how it physically impacts on people's lives.

[Mr Gagan Mohindra]

During the pandemic, I was approached by a bunch of workers in Tesco's in one of my communities. They had a horrible time during the pandemic. One or two of the clientele were coming in and being really disruptive, with frequent mistreatment and abuse. The Bill will now ensure that the Tescos of the world—obviously there are other food retailers—will proactively find solutions that, I hope, will make sure that people have a better quality of life as and when they go to work.

It is crucial for us all to have and enforce a safe working environment. I can only imagine what it must feel like to spend the majority of your week feeling unsafe due to harassment by another person. Government figures suggest that 41% of those who are harassed say that the perpetrators face no consequences. That is simply not good enough. The perception that there will be a lack of action after reporting is a huge part of why we see such low levels of reports. We must make people, especially women, feel like we are with them and that we are on their side no matter who the perpetrator is. The Bill plays another small part in doing that.

12.36 pm

James Sunderland (Bracknell) (Con): As a proud Conservative, I am always keen to commend legislation when it is the right thing to do. I think the Government have had a very proud record in this Parliament of putting Bills through that are very positive and a force for good. This Bill is no exception and I rise to support it, but I would not be doing my duty as a Back Bencher if I did not air some of the concerns I have with elements of it. The first point I want to make is that I believe the Bill to have greater significance than a sitting Friday might justify. I think it goes a lot further than might be gathered by just firing it through on a Friday, and I will explain why.

The Bill is an important step. Sexual harassment in the workplace is abhorrent. There is no justification or cause for it whatsoever; it is vile. I agree with my hon. Friend the Member for South West Hertfordshire (Mr Mohindra): I do not know of many women, in particular, who have not suffered from it at various times in their lives. The Bill creates accountability. Its target is stopping any form of harassment in the workplace and overall, it is absolutely a step in the right direction in the war against harassment in the workplace. Therefore, I am entirely comfortable with clauses 2, 3, 5 and 6. However, I am less comfortable with clause 1, which creates an employer's liability for harassment of their employees by third parties, and clause 4, which provides for a compensation uplift in sexual harassment cases.

Clauses 1 and 4 are too ambiguous in their wording. We discussed this on Second Reading and Report. Terminology is really important. I hope that the Minister will note my observations. An individual should always be liable for one's actions, especially in the workplace. We are a party of individual responsibility. However, what we cannot afford to do as a nation is get into the culture of always blaming somebody else—it is always somebody else's fault. What I want to see in the legislation is the individual perpetrating this vile behaviour being brought to account fully in accordance with the law. Holding a third party to account for a second party's behaviour does not sit easily with me, and that is why I

am pleased that the Minister has come to her place today to talk about the amendment. The amendment is important and necessary, and I support it. I would not have been comfortable had it not been tabled.

First, it is important that an employer is aware of his or her legal responsibilities in this case. An employer cannot just be held responsible for the actions of somebody else in the workplace, so it is important to me, as mentioned earlier, that the amendment clarifies for employers what the Bill means for them and what responsibilities are placed on them. To quote what was said earlier, those who are not a participant cannot reasonably be expected to face liability. It is also important that we do not end up with an over-sterile environment; one that is too sanitised. We have to be able to call out individual behaviour without necessarily seeking to blame or hold to account somebody else who may not be responsible for that.

What I am saying is that the Bill should result in fewer cases coming to court. It may make employers think twice about what they do in the protection of their employees in the workplace. Perhaps it will allow them to plan measures to minimise risk. However, it is important—I urge the Government to consider this—that we are not writing a blank cheque for those who may seek to make complaints and to hold others to account. We have a duty to employers, too, and whatever we ask of them has to be reasonable. I therefore support the amendment and the Bill, but I hope the Government will hark to my words.

12.40 pm

Angela Richardson (Guildford) (Con): I rise to support the hon. Member for Bath (Wera Hobhouse) and her amendment to the Equality Act. I agree with the Minister for Women and Equalities that the Equality Act is a shield and not a sword. In the last few weeks, we have seen just how important the Act is, especially in relation to the Gender Recognition Reform (Scotland) Bill. The Act is incredibly important in all of our lives, and I particularly support this change to it.

I will not speak for long, because the hon. Lady gave such a comprehensive speech outlining exactly what the Bill does. However, as I went through the policy background, I was interested in how, as these issues have been brought forward, the Government have thought it not the right time to enact legislation. That shows just how far we have come in the last couple of years in recognising that such legislation is important.

I am the mother of a 20-year-old girl who was seeking employment. She worked in pubs and probably wants to do various other things—I hope she does; it would be helpful if she was earning some money—but she will be able to go into the workplace with additional confidence that she will not be subjected to the sexual harassment that young women often are, especially when they work in pubs. I therefore support the hon. Lady and the Third Reading of her Bill, as amended. I will not speak for any longer because I am keen to get on to my Bill, which is next on the Order Paper.

12.42 pm

James Wild (North West Norfolk) (Con): I congratulate the hon. Member for Bath (Wera Hobhouse) on her work in bringing this important measure to the House and on reaching this stage. Harassment in the workplace

is rightly taken seriously, given the damaging impact that it can have on individuals. However, I rose to speak because we are considering a lot of employment legislation and it is important to put on the record that the overwhelming majority of employers, large or small, do the right thing by their staff. They want them to grow and have a rewarding career. Unfortunately, there are some employers where that is not the case. That is why the legislation is needed, but it is important that we recognise the enterprise economy that is so important in our country.

The genesis of the Bill was the 2018 Court of Appeal ruling, which made it clear that employers were not liable for third-party harassment of their staff. It clarified that the law does not extend an employer's liability to instances of staff being harassed by third parties outside their direct control. The legislation would create new liabilities, treating an employer as harassing an employee if the employee, in the course of their employment, is harassed by third parties and, crucially, the employer fails to take all reasonable steps. That, as a number of colleagues said, is the key point. It is vital that that reasonableness defence protects employers from acts that they could not reasonably be seen to be responsible for. I therefore join in welcoming the amendment agreed to by the House, which improves the Bill, and I hope that the Minister will give further certainty and commit in guidance to set out much more clearly the position for employers so that they know precisely what they have to do.

This measure undoubtedly has widespread support. In the response the Government published in 2021, 87% of respondents said they supported the measure, but that research also worryingly highlighted that younger people, as well as disabled people, were more likely to be subjected to sexual harassment in the workplace. As I said in a previous debate, they are precisely the vulnerable people we are here to protect.

I look forward to the Bill completing its remaining stages and enhancing protections for employees, but I want further clarification and an appropriate limitation of liability for employers.

Mr Deputy Speaker (Sir Roger Gale): I call the Opposition Front Bencher.

12.45 pm

Imran Hussain (Bradford East) (Lab): I join others in thanking the hon. Member for Bath (Wera Hobhouse) for introducing this important Bill. She rightly says the levels of harassment in our workplace today are a stain on society and unacceptable in these times. I first want to make it absolutely clear that this Bill is very important and desperately needed, as I know Members across the House agree.

As I set out on Second Reading, about half of all women have experienced sexual harassment in the workplace according to the TUC, and according to the Government Equalities Office around 80% of women who have faced harassment do not go on to report it. This harassment harms not only their prospects, progression and confidence in the workplace, but their mental and physical health. It is, frankly, an experience nobody should ever have to face. That is why the Labour party supported the Bill on Second Reading and supported it without amendment in Committee, to get it on to the statute book as soon as possible.

However, we are frustrated and deeply disappointed by the amendment the Government have tabled at the last minute. It was laid without any prior consultation with any group from the women and equalities sector, without any mention during the Bill's previous stages, and with just a week's notice before today's debate. We believe it significantly waters down protections against harassment in the workplace, absolving employers of liability and letting perpetrators off the hook in certain circumstances. It is also particularly disappointing given that since 2021 the Government have given the impression to women and equalities organisations that they have changed their minds on the scrapping of employer liability for third parties in 2013. That is an important point. While the legislation as proposed is a lot stronger, the protection on third-party liability in the workplace did exist in the Equality Act 2010 before it was repealed in 2013 by the coalition Government.

The Government had given the impression to women and equalities organisations that they had changed their mind on scrapping employer liability and had listened to the Women and Equalities Committee 2018 inquiry, and their response to the consultation findings seemed to make it clear that Ministers were committed to introducing the measures set out in this Bill, so what has changed and why did they not make their position on this matter clear on Second Reading? Why did they not consult on it with third sector organisations including the Fawcett Society, the EHRC and the TUC, who have been blindsided by this amendment?

Wera Hobhouse: I share the hon. Gentleman's concerns, but after consulting with the EHRC and the Fawcett Society I have come to the conclusion that the overall aim of the Bill will not be compromised by the amendment. I am supporting the amendment, therefore, but I agree with the hon. Gentleman and I hope he will clarify that he supports the Bill overall.

Imran Hussain: Absolutely. The hon. Lady will know that, of course, our position is to support the Bill, because weaker legislation is better than none at all, but she will understand that at the heart of our point is the message that we send by watering down the Bill. Although, as hon. Members have argued, the amendment itself would not facilitate harassment, it would send a message and could create a culture. That could lead down a slippery slope towards harassment. On that basis, we are absolutely clear that the amendment is a watering down of the measures. I understand the hon. Lady's predicament, which she has set out.

James Sunderland: I am struggling to understand the shadow Minister's position. Does he support the amendment or not?

Imran Hussain: I think we have made our position absolutely clear. We want this important legislation in statute, so although we feel that it is considerably weakened by the amendment, we will support it. Weakened legislation is better than no legislation—I thought that I had made myself absolutely clear on that.

I know that we are keen to move this legislation on, so I will make it absolutely clear right now that the next Labour Government will require all employers to create and maintain workplaces that are absolutely free from sexual harassment, including by third parties, in all circumstances. We will achieve that through our new

[Imran Hussain]

deal for working people, delivered within our first 100 days of office. We are proud to be the party of and for working people, and the party that introduced the groundbreaking Equality Act 2010.

Although this important Bill has been significantly weakened, we will nevertheless support it so that together we can challenge the sexual harassment that happens, particularly in our workplaces, against women and girls.

12.52 pm

Maria Caulfield: I congratulate the hon. Member for Bath (Wera Hobhouse) on bringing the Bill to its Third Reading and on the way in which she has championed the fight against workplace harassment. I very much take on board her point about the short notice of the amendments, but I am grateful for her support for them. As I am sure she has heard in the debate, there were concerns about freedom of speech.

I thank all hon. Members who have taken part in the debate—it has been a privilege to debate the proposals with such strong support in the House. I thank my hon. Friend the Member for Guildford (Angela Richardson) for her support. I hope that the legislation will protect her daughter's generation in the workplace. My hon. Friend the Member for North West Norfolk (James Wild) was right: the vast majority of employers do the right thing, but it is important to protect those in the workplace when the right thing does not happen.

My hon. Friend the Member for South West Hertfordshire (Mr Mohindra) was right to say that there can be unintended consequences, and he gave good examples of them. I am pleased that the amendments have reassured him and that he feels able to support them. That is also the case for my hon. Friend the Member for Bracknell (James Sunderland), who had concerns about freedom of speech. I am pleased that our amendments have also given him reassurance.

Above all, the Bill is about fairness, safety and protecting the workplace. The Government are committed to ensuring that everyone feels safe and is able to thrive in work. In 2019, we held a consultation on sexual harassment in the workplace, and we hope that this legislation will meet many of the concerns that were raised during that period. The Bill demonstrates its own importance, as we have heard this afternoon. The two principal measures are to introduce explicit protections from workplace harassment by third parties such as customers or clients and to place a duty on employers to take all reasonable steps to prevent their employees from experiencing harassment. These new protections against third-party harassment will make an employer legally liable if they fail to take all reasonable steps to prevent third parties from harassing their staff. In concrete terms, this means that employers will now assess the harassment risk that third parties pose in their workplace and will take steps to protect their staff. Bartenders will be better protected

from unwanted sexual conduct by drunk customers, and NHS staff will be better protected from racial abuse by patients.

The question of whether an action is reasonable is very familiar, and we have heard a lot about it today. I stress that the Bill does not require employers to succeed in stopping all harassment at work—that is, sadly, impossible and would be unrealistic. The Bill requires employees to take all reasonable steps to protect their employees in circumstances in the workplace where harassment can take place. On Report, Members supported the Government's amendment to clarify for employers what is expected of them under the Bill and the wider Equality Act.

To conclude, the measures in the Bill will strengthen the protection for employees against workplace harassment. The Government are pleased to continue to support this private Member's Bill, and I pay tribute to the hon. Member for Bath for making such progress with it.

12.56 pm

Wera Hobhouse: With the leave of the House, I thank everybody here today for their support. This is a debating Chamber, and it is important that views and concerns can be expressed. I hear both sides, and I hear the concerns that this measure will stifle people just expressing an opinion. As I said, I am a liberal; I think it is important that people can express their opinions. The main thing is that we are creating respectful workplaces.

In response to the hon. Member for Bradford East (Imran Hussain), I understand the frustration about diluting the spirit of the Bill, but the sexual harassment provisions in the Bill are not being diluted; the amendments relate to other forms of harassment. I hope that by having these debates across the House we can ultimately come to a consensus on the right thing to do, because our workplaces will be better if we create ones that are free of harassment, where people are much more productive. I am sure that employers will get behind the spirit of the Bill.

It has been encouraging to see the widespread support for the Bill. I would like to thank again the Government Equalities Office, the Women and Equalities Committee, the TUC, the Fawcett Society, the Equality and Human Rights Commission and the wider alliance of organisations that have campaigned and worked towards change for a long time to make this Bill a reality.

We have turned a blind eye to workplace harassment for too long. This Bill will help to prevent harassment, protect victims and change the culture around victim blaming. Obviously, the Bill is not enough on its own to tackle workplace harassment, and I reiterate that the Government need to consider the concerns of the "This Is Not Working" alliance and the EHRC. However, it is an important step in the right direction, and I hope it will continue to get the support it deserves; our workplaces will be better for it. I commend this Bill to the House.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Animals (Low-Welfare Activities Abroad) Bill

Second Reading

12.58 pm

Angela Richardson (Guildford) (Con): I beg to move, That the Bill be now read a Second time.

This Bill has been years in the making. The principles behind the Bill have incredibly strong and widespread public support, as demonstrated by a recent survey commissioned by Save the Asian Elephants, including the support of over 80% of my constituents in Guildford. It has also been welcomed by other animal welfare organisations, including the Royal Society for the Prevention of Cruelty to Animals and World Animal Protection.

The Bill rightly has significant cross-party support and builds on this Conservative Government's excellent track record on animal welfare. While we have had so many significant pieces of legislation brought forward to improve animal welfare in the time I have been a Member of Parliament, it is vital that we do not rest on our laurels. There is still a huge amount of work to be done in animal welfare domestically and internationally.

The Government's action plan states:

"In line with setting a global example on animal welfare, we also want to make sure that businesses do not benefit from selling attractions, activities or experiences to tourists involving the unacceptable treatment of animals. For example, animals such as Asian elephants may be subjected to cruel and brutal training practices to ensure their obedience. We will legislate to ban the advertising and offering for sale here of specific, unacceptable practices abroad. Our intention is that this will steer tourists towards visiting attractions that involve animals being cared for and treated properly."

Today, working closely with Department for Environment, Food and Rural Affairs officials and Government Ministers, I am delighted to present the Bill. I look forward to hearing from the Minister the Government's continued support for this legislation on Second Reading and as it progresses through each stage.

Why do we need this legislation? World Animal Protection UK kindly wrote to me earlier this month with "The Real Responsible Traveller" report, based on independent research carried out by the University of Surrey in my Guildford constituency. The report presented an assessment of nine of the world's leading travel attraction experience companies and tour operators on their commitment to wildlife-friendly tourism. Although two big-name companies have worked with World Animal Protection to proactively remove captive wildlife entertainment from their businesses, five of the most influential travel companies in the UK continue to sell harmful, exploitative wildlife experiences, such as swimming with dolphins, wildlife shows, big cat petting and selfies, animal rides and bathing.

Some of the methods used to train these highly intelligent animals to perform include: depriving dolphins of food so they will perform; confining dolphins to tanks 200,000 times smaller than their natural home range—the tanks are nearly always featureless, with little mental stimulation—separating elephant calves from their mothers at a young age, restraining them with only minimal movement and keeping them in isolation to break them; and subjecting elephants to violent training regimes, such as repeated beatings with

hooks and sticks, as well as reducing their natural roaming range, which varies from between 30 and 600 sq km in the wild. I encourage anyone watching the debate today to follow the social media accounts of Save the Asian Elephants. One cannot fail to be moved by the plight of these graceful animals being subjected to barbaric treatment.

However, it is sadly not just animals that are at risk. I was briefly able to meet and chat to Helen Costigan when Save the Asian Elephants CEO Duncan McNair, other parliamentarians and I presented a petition to Downing Street last week. Helen suffered the devastating loss of her 20-year-old sister, Andrea, on a visit to Thailand in 2000, when an elephant trained by the methods I have outlined charged. Helen said that they did not understand the dangers or the abuse that elephants face. She rightly pointed out that for a normal person going on holiday, asking whether things are ethical is not at the forefront of their mind. She has worked incredibly hard over the intervening years to make sure that others do not have to experience her grief and loss.

It is perhaps not for this Bill today, but it is important to think about social media influencers, who use their accounts to promote these sorts of activities. They may not be one of the companies we are targeting today, but they often receive money, payment and an endorsement for promoting these activities. It is perhaps not for this legislation, but we need to look at how we can effectively target the online influencers in this space as well.

I was pleased that my hon. Friend the Member for Crawley (Henry Smith) was able to bring this subject before the House last week in an Adjournment debate on animal welfare in overseas tourism. He was able to go into significant detail about the impact of low animal welfare on several species, and I encourage right hon. and hon. Members to read his contribution. The other impact that he described was the impact on humans: the risk from Asian elephants, cruelly trained—beyond crushed organs, broken limbs and serious head injuries—of the transmission of deadly tuberculosis via their large volume of exhalation. He also referred to concerns about the potential transmission of other airborne pathogens. We have only to look at the past few years, during which we have experienced a virus with zoonotic origins, to know that we need to be careful about this sort of activity as well.

What, then, does the Bill seek to do? Clauses 1 and 2 set up a framework of offences involving the sale and advertising of low-welfare animal activities abroad. Clause 3 outlines penalties, prosecutions and liabilities for the offence or offences, including disapplying section 127 of the Magistrates' Courts Act 1980 and article 19 of the Magistrates' Courts (Northern Ireland) Order 1981. This means that complex cases for prosecution can exceed the usual six-month time limit. Clause 4 provides relevant enforcement powers, and clause 5 establishes procedures for making regulations in the UK Parliament and the Northern Ireland legislature.

My understanding from discussions with officials is that following Royal Assent, the Department for Environment, Food and Rural Affairs will be able to consider consulting on the first application of the new powers in the Bill. There will be many, along with me, who look forward to the first of a series of regulations being put in place through statutory instruments following the successful completion of the Bill's passage.

[Angela Richardson]

Clause 7 deals with the territorial extent of the Bill. I respect the power of the devolved Administrations to choose which pieces of UK Government legislation they wish to consent to, but I would gently point to the UK-wide support for this Bill and the vigorous campaigning efforts of organisations such as Save The Asian Elephants. I am sure that my colleagues in Scotland and Wales can expect to hear from its chief executive, Duncan McNair, without delay—especially as, I am delighted to say, he is in the Public Gallery today watching the progress of the Bill very carefully.

Time does not permit me to speak any longer, but I look forward to hearing from other Members who will be speaking about this important Bill.

1.7 pm

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I thank the hon. Member for Guildford (Angela Richardson) for introducing the Bill, and for speaking so passionately. There is cross-party concern in this place about the treatment of animals abroad, and the Bill constitutes an important first step in restricting the advertising and offering for sale of tourist products that could involve animals. This is one part of a larger process.

I, too, feel passionate about this issue, as a result of not only my time on the Front Bench as a member of the shadow environment team, but my time working for the Association of British Travel Agents, and my previous work with tourism companies such as Thomas Cook. Much good work has been done by the industry on a voluntary basis, but it is clear that far too many people still do not regard the sale of tourism elements involving animals as something awful, which in my view it is, and we therefore need to ensure that this legislation is passed and properly implemented.

The hon. Member for Guildford mentioned dolphins. In the context of the use of animals in tourism products, “dolphin selfies” are quite common. This practice causes incredible stress to the animals. We know that dolphins and other sea creatures are sentient and feel pain, and the treatment involved in getting a dolphin to swim next to people and perform when they take their selfies—and to do that time and again for everyone in the queue on that day, let alone every other day—is horrendous.

It is important that we take steps to reduce the sale of these tourism attractions, but we must also take steps to work with destinations to remove them in the first place, or to improve the animal welfare considerations involved. This Bill alone will not stop the sale of low-welfare animal tourism products; it will stop the advertising, but it will still enable tourists to buy those elements independently at their destinations. In the United Kingdom, about a third of our holidays are bought as package holidays, where the purchaser buys from one provider; it might have lots of elements within it, but it is one provider. If that purchaser is on a TUI holiday, for instance, and goes to a TUI resort, and someone comes into that TUI resort to sell an animal attraction, there is a fair question to the holiday provider about how much control they have over their destination bookings and the question of whether to allow an independent trader in to sell a product. That is for holidays covered by

package travel regulations; if someone is travelling independently and there is no regulatory oversight over that tourism product, that is a different matter—it is more complicated, although it still needs to be dealt with.

However, I encourage the hon. Member for Guildford to continue her campaign to look at what can be done when people are travelling under a UK-regulated package arrangement or linked arrangement, working with the holiday companies to ensure that those situations do not happen. We want all our animals around the world to enjoy not only freedom wherever possible, but a quality of life and a life well lived. Far too many animals involved with tourism do not enjoy a life well lived; in fact, they enjoy very little of their life, with much cruelty and much pain involved. This Bill is incredibly popular in Plymouth, as it is in the hon. Member’s constituency, and I encourage her to keep going in relation to this issue. I would like the Minister to look again at where the Animals Abroad Bill has got to, because it does seem to be lost—the Government have misplaced it. That Bill would not only take good steps to protect animals abroad, but would address important issues—on fur and the sale of foie gras, for instance—that still need to be addressed.

I encourage the hon. Member for Guildford to push on her with her Bill. In particular, I want to highlight her remarks about the use of influencers, because there is a question about the implementation of the powers in the Bill: namely, the extent to which digital content provided by holiday companies that, for instance, shows an elephant ride would be part of advertising, as it creates the impression in the purchaser’s mind that that is something that they can do in that destination, even if that content is not explicitly part of a product. There are elements that I would like the Government to look at, and I know they can work with industry to deliver those elements, because there is a real will in the UK tourism industry, as well as among holidaymakers, to ensure that holidays are ethical, decent and environmentally sustainable, and do not put any animals at risk.

1.11 pm

Scott Benton (Blackpool South) (Con): I thank my hon. Friend the Member for Guildford (Angela Richardson) for bringing this Bill before the House. Animal welfare, whether at home or abroad, is an important issue to my constituents, and I often receive emails supporting greater protection for animals. I am proud of how far we have come in this country, and I commend the current Government for the work they have done to stop the needless suffering of animals. Since 2010, it is quite a record: a ban on the use of conventional battery cages for laying hens; mandatory CCTV in slaughterhouses across England; a ban on the use of wild animals in circuses; the strongest ivory ban in the world; mandatory microchipping of dogs; and the modernisation of the licensing system for dog breeding and pet sales.

In 2021 we met our manifesto commitment when the Animal Welfare (Sentencing) Act came into force, raising the maximum sentence for animal cruelty from six months to five years. Its sister Act, the Animal Welfare (Kept Animals) Bill, which is passing through its stages in this House, will also introduce some of the world’s strongest protections for pets, livestock and kept wild animals. Those include a ban on keeping primates as

pets and on exporting live animals for slaughter and fattening. That Bill also addresses puppy smuggling by reducing the number of pets that can travel under pet travel rules, and I look forward to supporting it as it continues its parliamentary journey.

Kerry McCarthy (Bristol East) (Lab): I thank the hon. Member for giving way, and I am glad that he is supporting the Bill. He has outlined some good measures, but does he share my frustration that it has taken an awfully long time to get them through? They are usually pretty simple Bills for which there is cross-party agreement; the Wild Animals in Circuses Act 2019 took forever to get through the House—although that was probably before the hon. Member's time. Does he share my frustration, and hope that we can get more measures like this one through the House more quickly in future?

Scott Benton: I thank the hon. Lady for her intervention. She certainly shares my passion for improving animal welfare, and I am sure that the Government business managers have heard her plea for Government time to take forward the additional measures she alludes to.

Clearly, this is an area of policy in which the UK has progressed rapidly and has quickly become a world leader, reflecting the deep respect for animals that the people of this country have.

As recently as the 1980s, exotic animals were used in circus performances in my constituency, which would be unthinkable today.

The Bill rightly recognises the unintentional and often unforeseen suffering that tourist activities can inflict on animals. That is particularly true when animals are taken from their natural habitats and trained, often cruelly, to act as part of a show or to be docile when being petted or fed. I am sure that many tourists who visit such shows are unaware of the impact on the animals' health and of the conditions in which the animals are usually kept.

In conclusion, while I am broadly opposed ideologically to restrictions on companies to advertise, I hope the Bill will mean companies with the leverage to encourage higher standards in regulations in attractions abroad will use that leverage. Rather than stopping people seeing exotic and interesting animals in other places, I hope the Bill will allow them to do so in a way that protects those animals from harm and exploitation.

1.16 pm

Sir Christopher Chope (Christchurch) (Con): This is a potentially useful Bill, but my concern is that it does not specify exactly what is going to be done. In introducing the Bill, my hon. Friend the Member for Guildford (Angela Richardson) referred repeatedly to the plight of Asian elephants. When the Government introduced their action plan for animal welfare in May 2021, they said:

"We will legislate to ban the advertising and offering for sale here of specific, unacceptable practices abroad."

With the exception of the reference to Asian elephants, we do not know what those "specific, unacceptable practices abroad" are, the advertising of which will be banned under the Bill. There should be a lot more specificity on the face of the Bill.

At the moment, the Bill could cover any matter that is already illegal under UK legislation or legislation in the devolved Administrations. For example, on the basis of

its current wording, it could outlaw the advertising or promotion of hunting wild animals abroad, essentially trying to give extraterritorial application to our hunting legislation. If that is the intention of the Bill, then that should be spelled out openly, instead of being hidden away in the Bill's regulation-making powers.

My main point concerns an omission. The Bill is based on the Government's commitment to improving animal welfare—who could be against that? However, there remains a gap in that programme: the prevalence of the use of non-stun slaughter for animals in this country. I declare an interest as my daughter is a vet. The British Veterinary Association and the Conservative Animal Welfare Foundation, of which I think you are a patron, Mr Deputy Speaker, are at the forefront of trying to ensure that the non-stun method of slaughtering livestock is removed, or certainly mitigated, so that it is done only when there is strict evidence that it is necessary for religious purposes.

Mr Deputy Speaker (Sir Roger Gale): Order. Whatever private sympathies I may have with what the hon. Gentleman says, he has been in the House almost as long as I have, which is long enough to know that he has to talk about what is in the Bill and not what is not in it. He is stretching a point, if I may say so.

Sir Christopher Chope: Mr Deputy Speaker, we are both looking forward to celebrating, in June, the 40th anniversary of our first being elected to this House. Unlike me, you have been here continuously since then. Obviously, those missing years have impacted on my failure to follow the procedures today.

On Second Reading, one is entitled to look at things that are not included in the Bill. What I seek to find out from my hon. Friend the Member for Guildford is how this Bill will apply to what we know is already going on within our own country, where the non-stunned slaughter of animals can take place. It does not take place in Wales, Northern Ireland or Scotland, but it does take place in England. Could this Bill create a situation where we would be able to outlaw the advertising of hunting trips abroad but we would not be able to take action if in Northern Ireland or Wales an attempt was made to ensure that the same rules for the slaughter of animals through not being stunned in advance were applied?

There is a potentially a big gap in this Bill and I hope that for that reason when it gets into Committee we will have a chance to look at these issues in more detail. I hope we will be able to find out a bit more about why the Government have said that they were going to act in relation to the non-stunned animals being slaughtered, and the fact that a large proportion of all halal meat is actually already pre-stunned but a lot of the non-stunned meat is going to places that are not part of the religious community. I look forward to being able to discuss those issues in Committee or on Report if this Bill gets its Second Reading, as I hope it does.

1.21 pm

Holly Lynch (Halifax) (Lab): Like other Members, let me start by commending the hon. Member for Guildford (Angela Richardson) for having so successfully navigated this important legislation to the Chamber today. I am pleased to support any and all measures to protect

[Holly Lynch]

animals from abuse, and am thankful to her for giving us that opportunity today and for the comprehensive way in which she has made the case already.

Wild animal selfies, swimming with dolphins and riding elephants all feed into the collective human desire to experience new things and be close to animals. However, the wildlife tourism industry is responsible for the exploitation of hundreds of thousands of animals each year. Dolphins are forced to live in incredibly small tanks, as the hon. Lady outlined. Big cats can be drugged and declawed, and elephants are beaten and brutalised. Of course, it is easy to think of this as a problem far removed from the UK—something that is happening in another part of the world and a problem that is not ours to solve—but by advertising, promoting and selling these experiences, usually to unknowing consumers, UK-based travel companies are complicit in the cruelty.

There are many documented examples of the cruelty endured by animals used in the tourist trade. One of the most shocking instances came in 2016, when it was reported that police found 40 dead tiger cubs in a freezer during a raid at Thailand's Tiger temple. Irresponsible breeding and poor conditions meant that the tigers had a much lower chance of living long, healthy lives than their wild counterparts. Each day at the Tiger temple, hundreds of tourists paid in excess of £40 to enter the park and pose with a tiger cub. In a country where the average wage is about £12 per day, we can see how animal tourism is big business. I am thankful that this attraction is no longer open to the public, but it is concerning that there are still about 2,000 captive tigers in Thailand, and that so-called "experiences" continue to be advertised and sold here in the UK. That is just one country and one example, so I hope that this Bill will very much start to eradicate such practices.

Highly endangered baby and adult Asian elephants are beaten, stabbed and brutalised systematically across south-east Asia to "break the spirits" for easy use in tourism, yet these experiences are promoted by more than 1,250 UK-based travel companies. Asian elephant numbers have collapsed and the species is nearing extinction, but appealing advertisements, often from well-known and influential companies, hide the cruelty from tourists who do not realise the enormous suffering endured by the animals involved. I know that the British public feel as strongly as we do. The fact that more than 1 million people signed a petition to urge the Government to protect the Asian elephant from the often daily cruelty they face at the hands of the tourist trade shows that there is most definitely an appetite for the measures before us.

Wildlife tourism is a diverse industry and it is important to note that there are some responsible operators and ethical activities available. I sincerely hope that today ushers in a new era of kinder, more responsible wildlife tourism where conservation underpins any such activities.

I thank my hon. Friend the Member for Plymouth, Sutton and Devonport (Luke Pollard) who spoke so passionately with his experience of years working in the tourism sector. He raised some good points about further measures that could be considered where holiday providers might be facilitating experiences once holidaymakers

are in-country. That is a very important point, which, I am sure, the Minister will be taking further with her colleagues in Government.

We welcome the fact that the Bill makes it clear what constitutes the advertising and sale of low-welfare animal activities and creates offences to that effect with a corresponding enforcement regime. As a nation of animal lovers, it is only right that Britain should lead the way on this, so, once again, I congratulate the hon. Member for Guildford and wish her all the very best of luck with the remainder of the passage of this Bill.

1.26 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Trudy Harrison): I, like other right hon. and hon. Members in this House, wish to pay tribute to, and thank immensely, my hon. Friend the Member for Guildford (Angela Richardson) for all her hard work on this Bill. I also thank my officials across the Department for Environment, Food and Rural Affairs for supporting her. Perhaps I can give her some comfort: I introduced, as a private member's Bill, the Wild Animals in Circuses Bill. In 2019, with the support of Government, that Bill received its Royal Assent. These private Members' Bills and sitting Fridays really make a tremendous difference.

My hon. Friend set out, somewhat graphically, exactly why we in DEFRA are supporting this important Bill. If anyone is in any doubt about this, then they should review the work of Save the Asian Elephants. I understand why people, especially parents, would want their children to have some experience of a wild animal—I myself am a mum to four girls. However, the clue is in the description: it is important that the experience is about observing, not forcing the changed behaviour of a wild animal to enable our up-close and wholly unnatural experience.

The hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) talked about dolphins. Although we are looking, with this Bill, to develop primary legislation, secondary legislation will give us the opportunity to be specific about the species, and I will go into further detail on that later in my speech. My hon. Friend the Member for Blackpool South (Scott Benton) made reference to the Wild Animals in Circuses Act 2019. I will take up his invitation to visit the zoo that does so much good work in Blackpool, and thank him for supporting the Bill.

We see the Bill as an important contribution to our ambitious animal welfare reforms that we have been making since this Government came to power. I manage 40 workstreams on our animal welfare action plan. All are making considerable progress, but there is no provision within the law to regulate the advertising and sale of animal activities abroad. That means that unacceptably low welfare activities can currently be advertised to tourists by domestic travel agents.

The hon. Member for Plymouth, Sutton and Devonport and I share a common history, because I, too, worked as a travel agent. I know that it is difficult to understand whether an activity, which seems incredibly desirable, offering as it does a once-in-a-lifetime opportunity, is high or low animal welfare.

The Bill will ensure clarity. Animals used in the tourist trade are often subjected to brutal and cruel treatment to ensure their compliance. Our concerns

relate not just to the activities themselves, but to the severe training methods that are used to train and sometimes force the animals to behave in the desired way. Any change we can make here in the United Kingdom to raise animal welfare standards across the globe is a positive.

In response to the point made by my hon. Friend the Member for Guildford about influencers, with the knowledge that we now have about animal welfare, the unacceptable treatment of animals for human entertainment cannot be condoned and such influencers absolutely depend on their followers. I am sure that the work that has been done to date, and the fact that we are gathered in the Chamber to speak about the need for wild animals to have high animal welfare, will send a strong message.

The Government take the welfare of all animals seriously and are committed to raising standards of animal welfare both at home and abroad. Introducing domestic advertising bans sends a strong signal from the Government that the only acceptable tourist attractions are ones where the animals do not suffer and that contributes to the UK's position as a world leader on animal welfare. To date, the Government have carried out ambitious reforms that we committed to in the 2021 action plan for animal welfare. They include the Animal Welfare (Sentencing) Act 2021, the Animal Welfare (Sentencing) Act 2022, the Animals (Penalty Notices) Act 2022 and the Glue Traps (Offences) Act 2022. We are also pleased to support the private Members' Bills on shark fins and trophy hunting.

More specifically on low-welfare animal activities, the Government's action plan for animal welfare stated:

"In line with setting a global example on animal welfare... We will legislate to ban the advertising and offering for sale here of specific, unacceptable practices abroad."

Alongside Government support for the Bill, there is widespread public support for such measures. World Animal Protection and Oxford University have estimated that up to 550,000 wild animals are exploited in the tourism industry across the globe.

Luke Pollard: The Minister is making a good speech about the importance of the Bill. May I just take her back to the advertising of low-welfare animal products abroad? When the Bill goes to Committee, will she and her officials work with the hon. Member for Guildford (Angela Richardson) to see whether the provision of a digital click through would be captured by the advertising restriction, or, as in some cases in travel law, would it sit outside that? We do not want someone buying a holiday online to have adverts or links that can be clicked to take them to a site outside the UK, where they could buy such activities in the same purchasing period as buying their holiday. Will she ensure that that can be captured, because it could be a workaround that the companies that wish to continue selling the products exploit?

Trudy Harrison: I thank the hon. Gentleman for that intervention. I will take the Bill through its legislative stages. I reassure him that I understand that that would be beneficial and that I will meet him and look into that with my officials before we go to Committee.

It is clear that the British public do not accept low animal welfare standards. The recent poll conducted by World Animal Protection revealed that 81% of UK

respondents agreed that countries should stop the commercial exploitation of wild animals. In the same poll, 85% of respondents believed that wild animals had the right to a wild life.

Sir Christopher Chope: Does the Minister think that the provisions in the Bill could cover, for example, people who go whale watching in South Africa?

Trudy Harrison: To give a very brief answer to a very brief question, my first instinct is, absolutely not because people watch whales in their natural environment behaving in a natural way. The problem comes when we force wild animals to behave unnaturally in captive environments for our benefit up close and personal. As far as I understand it, that is not what my hon. Friend was referring to.

There is no specific reference to Asian elephants in the Bill, but we anticipate they will be covered under the Bill. Alongside the general support for the measures in the Bill, there is particularly strong support for Government intervention in relation to low-welfare activities involving Asian elephants. Asian elephants often undergo brutal training to break them in and make it safe for them to be in the vicinity of tourists. Methods include being chained up for long periods without access to food or water and being beaten with bullhooks to gain compliance. Elephants are often forced into unnatural activities, such as playing football, painting and tourist rides. As Members will have heard last Tuesday in the Adjournment debate secured by my hon. Friend the Member for Crawley (Henry Smith), Asian elephant rides, performances and experiences are often a popular choice with tourists abroad.

In closing, I thank everyone on all sides of the House for their contributions, in particular my hon. Friend the Member for Guildford. She has not just led on the Bill but has had a very busy morning contributing to every single debate, representing her constituents extremely well indeed.

1.37 pm

Angela Richardson: With the leave of the House, I would like to thank everybody who has been in the Chamber today and participated on Second Reading. There have been important contributions and clarifications sought. The hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) brought to bear his industry experience, which would be very useful in Committee, especially on the important issue of click-through. We need to ensure we capture everything and that there are no loopholes to be exploited.

I was grateful to my hon. Friend the Member for Blackpool South (Scott Benton), who went through the huge amount of legislation the Government have introduced. This Bill is about animal welfare abroad, but it is important to recognise what the Government are doing on animal welfare domestically. My hon. Friend the Member for Christchurch (Sir Christopher Chope) raised some important points. The point of having these debates is to ask questions and seek clarification, so we need to talk about the issues he raised. I take some comfort from the Minister's words that the Bill will mean specific regulations on specific species and will not capture a whole load of activities, including those my hon. Friend mentioned, but it is good that he is thinking widely about the

[Angela Richardson]

implications of the Bill for animal species around the world and for some activities that take place, including whale watching.

Once again, I thank DEFRA officials for all the work they have done. I know the Bill is so popular that places in Committee will go very quickly. I suggest that hon. and right hon. Members who want to get involved should get in touch with me.

Question put and agreed to.

Bill accordingly read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).

Workers (Predictable Terms and Conditions) Bill

Second Reading

1.39 pm

Scott Benton (Blackpool South) (Con): I beg to move, That the Bill be now read a Second time.

I am pleased that we have time to debate this important issue in the Chamber. I know that many hon. Members in the Chamber will have a personal interest in this area and am grateful for their participation. Zero-hours contracts are an important part of the UK's flexible labour market, both for employers when there is not a constant demand for staff and for individuals who need to balance work around other commitments such as childcare and study. However, the 2017 Taylor review of modern working practices found that workers on zero-hours contracts, as well as agency workers and temporary workers, struggle where flexibility is "one-sided" in an employer's favour. Some employers misuse flexible working arrangements to create unpredictability and insecurity of income, and there is a reluctance among some workers to assert basic employment rights. That one-sided flexibility means that workers need to be available to their employer with absolutely no guarantee of work. Employers can also schedule or cancel shifts with little notice, leading to insecurity of hours and income for workers—or, in the case of temporary workers, dismissal altogether at short notice.

To address one-sided flexibility, the Taylor review recommended that the Government should create a new right to request a contract with guaranteed hours for zero-hours contract workers. The successful passage of my Bill would create a new right for eligible workers to request a more predictable working pattern.

Nickie Aiken (Cities of London and Westminster) (Con): I welcome my hon. Friend's private Member's Bill, because it is incredibly important to give people on zero-hours contracts the security of knowing that they will have protected hours. Does he agree that, as we are trying to encourage the over-50s back into the workplace, the Bill may go some way to giving them security over their hours and pay for the work that they do?

Scott Benton: I thank my hon. Friend for her intervention. She is a brilliant champion for her constituents in the Cities of London and Westminster. Of course, the nature of the economy in central London means that, often, people will be in the retail, hospitality and the tourism industry with insecure work. I thank her for championing the Bill. The point that she makes regarding older people in employment is important. The Government are actively looking at that. I hope that they continue to press the issue to ensure that we can address labour shortages by widening the pool of potential people to take those vacancies.

The new right would give workers who would like more certainty the ability to request a more predictable work pattern that reflects the hours or times that they work. A qualifying worker would be able to make an application to change their existing work pattern if it lacked predictability in terms of the hours or times they worked, or if they have a fixed-term contract for less than 12 months. The Bill would ensure that workers and

employers retain the benefits of zero-hours contracts and other forms of atypical work. Of course, workers who are content to work more varied hours will continue to be able to do so.

Many individuals who work unpredictable patterns often experience an imbalance of power with their employers, which leaves them afraid to ask for more fixed conditions out of fear of being dismissed or denied future shifts. The Bill would address that unfair imbalance of power, empowering and encouraging workers to talk to their employer about their contract, safe in the knowledge that starting the conversation would not result in any detriment whatsoever to the worker. Workers will be better able to secure employment that suits their individual circumstances, helping them to be more satisfied at work and less stressed around the lack of predictability of their hours and income.

Kerry McCarthy (Bristol East) (Lab): It is good that we have cross-party support on this issue as well. It is one thing for an employee to have a right, but as we have seen, quite often employers who do not want to give their employees those rights and treat them well have ways of getting around that; they will find an excuse to dismiss the employee and take on somebody who might be prepared to be more flexible. How does the hon. Gentleman envisage that the safeguards and rights under this Bill will be genuinely enforced? I would suggest trade union membership as a pretty good start.

Scott Benton: I thank the hon. Lady for her intervention and I will get to that section of my speech in a couple of minutes. She does great justice to the people in her constituency who work on zero-hours contracts by raising that important point. The Bill introduces a right to request a more predictable working pattern and the process employers have to follow is clearly outlined to ensure that there is some certainty when employees request that their contract is changed and that their employer deals with them seriously and appropriately.

The Bill helps to support the income security of workers at a time when many are feeling increased cost of living pressures. It will not only benefit workers; businesses will reap the rewards of having a more engaged and happier workforce. The rights introduced through my Bill will apply to all eligible workers, including agency workers, not only those employed on zero-hours contracts; it will apply to the wide range of workers who have unpredictable working conditions, including temporary workers, agency workers and workers with non-guaranteed hours.

Workers must have worked for their employer for a set period of time before an application can be made. This period will be set out in regulations; I am sure the Minister will expand on that in his remarks, but it is expected to be 26 weeks. The worker only needs to have been employed with their employer at some point during the month before that period and to be working again for the employer when the application is made. Given that the Bill targets workers with unpredictable working patterns, they are not required to have worked for their employer continuously.

The same criteria will apply to agency workers applying to temporary work agencies. Agency workers who make applications directly to hirers will be required to have worked for their hirer for at least 12 weeks continuously

during the 26-week period. This replicates the provision in the Agency Workers Regulations 2010 which states that after 12 weeks' continuous service an agency worker will gain entitlement to the same set of employment rights as if they had been recruited directly. It ensures that workers cannot use the right to request a more predictable contract to circumvent the agency workers regulations and gain entitlement to additional employment rights before they have worked those 12 continuous weeks.

Once a worker has made their request, the employer will be required to notify them of their decision within one month. An employer will be able to turn down a request for more predictable conditions on specific statutory grounds, similar to those established for the existing right to request flexible working. That will help to ensure that businesses are not unfairly burdened by the new right, for example if the costs of providing a worker with a more predictable pattern would be too burdensome at the time.

Workers will have the option to complain to an employment tribunal if their employer does not handle the request in a reasonable manner, wrongly treats the request as withdrawn, dismisses or treats the worker poorly because of their request, or rejects the application on the basis of incorrect facts. We assume, however, that most declined requests will be handled informally and will not give rise to an employment tribunal claim.

I thank officials at the Department for Business, Energy and Industrial Strategy for their assistance with drafting the Bill and the arrangements for today. This area has broad cross-party support: indeed, it was included in the manifesto I stood on and the Liberal Democrats and Labour made similar commitments on zero-hours contracts in their manifestos. I hope that Members on both sides of the House share my desire to ensure that the Bill succeeds. As you will know, Mr Deputy Speaker, there is a certain fragility, to say the least, that accompanies the passage of private Members' Bills through the House, and I would therefore like to navigate this process with the support of Members on a cross-party basis.

This Bill is a golden opportunity to bring about real change on the pressing issues of atypical contracts and one-sided flexibility, at a time when insecurity of pay and hours is particularly pressing. I hope that Members will be able to support it.

1.50 pm

Danny Kruger (Devizes) (Con): I am delighted to support the Bill, and I congratulate my hon. Friend the Member for Blackpool South (Scott Benton) on presenting it and on his speech. I am pleased that the Government are giving the Bill their backing. Of course, it was a Conservative-led Government who banned exclusivity clauses in 2015, which was an important step towards the system of worker protection that is needed in the new economy that is unfolding. I am pleased to see that we are supporting this new measure, which will end the system of one-sided flexibility that prevails and ensure that workers can request a predictable pattern of work. It is right that we are doing that.

The Bill sits in the context of a broader question about the model of work we want in 2023. One part of the answer to that question is that we want a model of work that is not fixed or ossified, as work perhaps was

[*Danny Kruger*]

in the industrial age. We cannot respond to the gig economy by insisting on restrictions and inflexibilities that are inappropriate to this age. Ultimately, we will end up destroying jobs if we insist on too much structure and predictability, but neither can we chase the gig economy down the plughole of ever greater rights for employers at the expense of their staff. We cannot let employers dictate terms that include unacceptably low wages or unacceptable conditions.

One part of the answer, which is not within the scope of the Bill, is to ensure we have an immigration policy that ends the economic model of the last 20 years, in which we have imported foreign labour at the expense of British workers and at the expense of investment in our own people and in the innovation and technology that are needed if labour has its real value, which it does not if our rates of immigration are too high.

We also need to empower workers. My hon. Friend explained the problem very well. People are not robots that we can just switch on and off and leave dormant when we are not using them, waiting for us to switch them on again. We have to respect the human dignity of staff. As I said in an earlier debate, we need to recognise that people are not just workers; they have obligations and relationships outside work that we need to respect.

The question of what model of work we want is part of a broader question about what type of life we think people should have in this country. My simple answer is that we want people to have the conditions for a decent family and community life. An important measure to achieve that is ensuring we have a model of employment in which one adult can earn enough wages to support their family. We need jobs that support whole families, whether that is one full-time job or two, three or four part-time jobs. If someone has a partner, they need to be able to share the workload, to earn enough money to support the family, enabling them to have time for children or dependent adults and, importantly, to spend time supporting their community.

This introduction of a right to request a predictable pattern of work is good, and I applaud it. I like the fact that we are imposing a duty on employers in terms of what they should do when a request for a predictable pattern of work is made. I prefer duties to rights—the language is better, and the implication is better. We need to beware the wrong enforcement of duties that we create, but in principle, duties are better than rights because they imply relationships and obligations. The alternative—a world in which society is regulated only by individual rights—is one of eternal competition, a constant contest between individuals each claiming their due and eternal legal battles over who has broken which contract and which law.

We need a better culture than that, in which we recognise that we live under our obligations, not our entitlements, and our responsibilities matter more than our rights. That starts with people who have power in society—people with the power to hire and fire. We are insisting today on the fulfilment of employers' duty to enable their staff to create the conditions for a decent family and community life. That is a good use of the power of the state, and I am delighted to support the Bill.

Mr Deputy Speaker (Sir Roger Gale): I call the Opposition spokesperson.

1.54 pm

Imran Hussain (Bradford East) (Lab): I congratulate the hon. Member for Blackpool South (Scott Benton) on bringing forward this very important Bill. I apologise: I may have mistakenly referred to him as the hon. Member for Blackpool North earlier; I know that can cause serious issues on occasion.

I will endeavour to keep my remarks brief as I am sure that Members across the House will wish to wrap up this debate and move the Bill on to the next stage of the legislative process as soon as possible. This appears to be a welcome piece of legislation, as measures to give workers the right to request more predictable terms and conditions of work are long overdue. Indeed, over the past decade we have seen an explosion in the use of unpredictable and exploitative zero-hours contracts that fail to guarantee for working people a set number of hours of work on set work schedules.

In 2010, just over 150,000 workers were employed on a zero-hours contract, but that number has risen dramatically, with more than 1 million now employed on such contracts, according to the latest release from the Office for National Statistics. As the hon. Member for Blackpool South highlighted, it does not reflect a rise in the number of people wanting flexible work, as such contracts offer flexibility only for employers, not for working people. It is a rise in the number of people who are being exploited in a dire employment market by bad bosses.

Under these contracts, working people feel pressured into accepting shifts, knowing that if they turn them down, they may not get any hours at all in future. Many are given hours at short notice: a TUC poll found that four in five were offered shifts with less than 24 hours' notice, leaving them scrambling for childcare cover or transport to work, often at great cost. They are left entirely at the whim of the employer and, as a result, zero-hours contract workers find it next to impossible to plan their finances on time, thereby holding them back and holding back our economy. Is it really any wonder why our productivity is so poor compared with other countries when working people are exploited in this way? Women and those from an ethnic minority background are more likely to be exploited by zero-hours contracts, entrenching the discrimination they already face in the workplace.

I was, then, pleased that in their December 2018 good work plan the Government accepted that this is an issue that faces our economy in the 21st century and that action is needed to protect people's rights in the modern world of work. However, as for many other pieces of legislation to address the injustices faced by working people, we have been waiting for far too long to see a Bill like this on the Floor of the House. Matthew Taylor published his review of modern working practices in July 2017 and it took another year and a half for the Government to publish their good work plan in December 2018. Although they accepted the recommendation to create a right to request a contract that guarantees hours for those on zero-hours contracts, it is not until now—more than four years later—that we are seeing legislation to give effect to it.

Why did the Government not include this legislation in the employment Bill that they have repeatedly promised from the Dispatch Box but appear now to have dropped? Such a Bill offered a clear opportunity to introduce the statutory right to request more predictable terms and conditions, as well as the opportunity to strengthen protections for pregnant women and new parents, to introduce a statutory right to carer's leave and to protect people from harassment in the workplace—today alone we have considered Bills on all those things.

I want to be absolutely clear that the next Labour Government will, within the first 100 days of our taking office, move to put on the statute book our new deal for working people, which will ban zero-hours contracts and contracts without a minimum number of guaranteed hours. It will ensure that everyone working regular hours for 12 weeks or more will gain a right to a regular contract that will reflect the hours normally worked. It will ensure that all workers get reasonable notice of any change in shifts or working time, with wages for any shift cancelled without appropriate notice being paid to workers in full.

We will, of course, support this Bill. I look forward to seeing it progress to Committee very soon, so that we waste no more time to enhance much-needed rights for working people.

2 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kevin Hollinrake): I thank my hon. Friend the Member for Blackpool South (Scott Benton) for proposing this important Bill, and I thank all hon. Members who have spoken on this subject. I am pleased to say that the Government support the Bill and are committed to ensuring that the UK is the best place in the world to start and scale a business—a phrase hon. Members will hear a lot more, after the Business Secretary's recent speech from Davos about scale-up Britain, which is music to my ears. To do that, we need a strong and flexible labour market that supports participation and economic growth.

I would like to take a little time to talk about the Bill before addressing some points raised by hon. Members on both sides of the House. It is good to see cross-party support, for the third time today. Unlike the shadow Minister, we believe that zero-hours contracts are an important part of the UK's flexible labour market, both for employers that do not have a constant demand for staff and for individuals who need to balance work around other commitments such as childcare and study. Around 1 million individuals are on zero-hours contracts—around 3% of the UK workforce.

The Government are keen to ensure that everybody can enjoy the benefits of flexible working. We are determined to tackle unfair working practices, such as the issue of one-sided flexibility where workers have to be available to their employer, with no guarantee of work. Employers may schedule or cancel shifts with little notice, leading to insecurity of work and income. I declare my interest, because my daughters are in a similar situation—one is of school age and works at the local pub, and that has happened to her. To be fair, a zero-hours contract works for her to provide flexibility from her side, too.

We recognise that receiving unpredictable and varying levels of income each month can make it difficult for some workers to meet the cost of rent, mortgage and

household bills, especially during a cost of living crisis. My hon. Friend's Bill will allow workers to request more predictable working arrangements, addressing the issue of one-sided flexibility, while ensuring that workers are able to continue working on a zero-hours contract or another form of non-guaranteed hours or temporary contract, if that is the type of arrangement that works best for them.

Wera Hobhouse (Bath) (LD): Does the Minister agree that it is important that employers feel that there is loyalty to their companies and loyalty to the work that the employee is doing? It should very much be a win-win.

Kevin Hollinrake: I agree entirely. That is what modern employers are looking for. One of the biggest pressures that employers are facing is recruiting and retaining people. This is another measure where people can demonstrate that the workplace is fairer and more flexible, which should attract more people back into it.

The Bill will allow individuals and businesses to strike the right balance between flexibility and job security. Workers will be empowered and encouraged to start conversations with their employers about their work patterns, with the confidence that starting such a conversation will not result in detriment. We expect that employers will benefit from the new right, too—the point that the hon. Member for Bath made—through improved worker satisfaction and productivity. By allowing employers to retain skilled staff as workers, those workers will not have to look for a new role in order to secure a working pattern that meets their needs.

Facilitating higher productivity, both through this measure and the other five private Members' Bills that we are supporting, will help to drive higher employment, wages and economic growth. As my hon. Friend the Member for Blackpool South has explained, the right will function in a similar way to the existing right to request flexible working. An employer will be able to refuse a request for more predictable working patterns on specific statutory grounds similar to those established for flexible working. We know how important it is to balance new workers' rights with the impact on businesses, and those grounds will ensure that employers do not experience disproportionate burdens.

The Government consulted in 2018 on the right to request a more predictable contract, and the vast majority of respondents agreed with the creation of a right to request a more predictable working pattern.

Mr Gagan Mohindra (South West Hertfordshire) (Con): I congratulate the Minister on his usual excellent summation of the legislation. On that final point, does he agree that giving employers certainty and giving employees the ability to have flexible working is a win-win and a good thing for both sides?

Kevin Hollinrake: I entirely agree. That is why we have carefully struck a balance so that there will not be too much of a burden on employers. That would be detrimental to employees, too, because employers would be less likely to take people on. The right to consider it is clear, and the process is clear, but if it cannot work for the business, the process of saying, "I'm sorry, we can't do that" is simple and set out in regulations.

[Kevin Hollinrake]

The Government consulted in 2018 on the right to request a more predictable contract, and in response to that consultation we committed to introducing a right to request a more stable working pattern for all workers, including those on zero-hours contracts. Those workers will be able to make a request if their existing work pattern lacks predictability in terms of the length of their contract or the days or hours that they are required to work. The 2019 Conservative manifesto contained a commitment to introduce for workers

“a right to request a more predictable contract”.

I am therefore delighted that the Bill introduced by my hon. Friend the Member for Blackpool South reflects our previous commitments on this important issue.

The Bill will also build on the progress that the Government have already made in bringing forward measures allowing additional flexibility for workers on zero-hours contracts and those in low pay. As my hon. Friend the Member for Devizes (Danny Kruger) pointed out, in 2015 this Government banned exclusivity clauses in zero-hours contracts, helping workers on zero-hours contracts to secure additional employment and boost their incomes. As of December 2022, that ban has been extended to workers who have a guaranteed weekly income equivalent to or below the lower earnings limit of £123 per week. On top of that, on 1 April 2023 the Government will increase the national living wage for workers aged 23 and over by 9.7%, to £10.42. That keeps the Government on track to achieve our manifesto commitment for the national living wage to equal two thirds of median earnings by 2022 if economic conditions allow.

This is the sixth private Member's Bill on employment rights that the Government are backing. As a package, those Bills will increase workforce participation, protect vulnerable workers and level the playing field, ensuring that unscrupulous businesses do not have a competitive advantage. The Bills build on the strengths of our flexible and dynamic labour market and give businesses the confidence to create jobs and invest in their workforce, allowing them to generate long-term prosperity and economic growth.

I will address some of the specific points made by colleagues. This is the Bill of my hon. Friend the Member for Blackpool South, and I am pleased to be able to explain the Government's policy position on any points that he has raised. My hon. Friend the Member for Cities of London and Westminster (Nickie Aiken), who is no longer in her place, made a point about the over-50s. It is important that we try to attract more over-50s who have left the workforce back into the workplace. We know that about 575,000 people of working age have left the workforce since the start of the pandemic. I joined a cross-ministerial group, put together with business groups, to look at how we can attract those people back into the workforce. That body of work is ongoing, and we are very keen to find solutions, which will be partly about making the workplace fairer and more flexible, as this legislation will do.

As my hon. Friend the Member for Blackpool South pointed out, the legislation will lead to a happier and more engaged workforce. He also mentioned the 26-week qualification period, which aligns with other, similar measures in employment law. As he points out, this results from a manifesto commitment, which is why we are delighted to be able to support his Bill today.

My hon. Friend the Member for Devizes made similar points and also talked about the balance to be struck between employer and employee and the other work we are doing and have done to improve workers' rights, including that ban on exclusivity clauses. The shadow Minister, the hon. Member for Bradford East (Imran Hussain), said that the Opposition were considering banning zero-hours contracts and other measures if they ever got into government—I very much hope that day will not come. By implementing things like that, there could be some serious damage to the economy, were that situation to come to pass. Nevertheless, we will let the electorate decide on that.

To conclude, this Bill will introduce an important new right that will help to address the issue of one-sided flexibility and support those with unpredictable working arrangements to gain security of hours and income. It has been encouraging to see support across the House for this Bill, as is evident from today's good-natured debate. The Government look forward to continuing to work closely with my hon. Friend the Member for Blackpool South to support the passage of these measures, and I commend the Bill to the House.

2.10 pm

Scott Benton: With the leave of the House, I thank Members for their contributions today. In particular, my hon. Friend the Member for Devizes (Danny Kruger) as ever made a thoughtful contribution, and I agree wholeheartedly with his comments about the need to utilise the experience, skills and potential of British workers, rather than automatically reaching for this lever of unskilled immigration and workers from overseas. I thank the hon. Member for Bradford East (Imran Hussain) for signalling the support of the official Opposition for my Bill. There is also the brilliant support from the Government, particularly the Minister and his private team, who have been incredibly helpful over the past few weeks and alleviated some of my stress with their technical guidance on some of the finer points of the Bill. That has been greatly appreciated.

I know that my fellow Thatcherite, my hon. Friend the Member for Christchurch (Sir Christopher Chope), is keen to introduce his Bill, so I will keep my remarks short. Suffice it to say, I hope that Members on both sides of the House can agree that this important piece of legislation will give workers struggling with unpredictability in their working lives a way of addressing that, by empowering them to discuss their working conditions with their employer to see whether they can gain more predictability in their hours and income. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).

Caravan Site Licensing (Exemptions of Motor Homes) Bill

Second Reading

2.13 pm

Sir Christopher Chope (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

First, I congratulate my hon. Friend the Member for Blackpool South (Scott Benton) on the success of his important Bill completing Second Reading, and I thank him for giving me time to say a little bit about the Caravan Site Licensing (Exemptions of Motor Homes) Bill.

Mr Deputy Speaker, you will be familiar with the expression—I think it is an old Arabic proverb—“The dogs bark, but the caravan moves on”. The issue here is that a lot has happened since the Caravan Sites and Control of Development Act was introduced in 1960, because motor homes and campervans are increasingly used as a substitute for static or towed caravans. The latest information I have from the National Caravan Council is that there might be more than 500,000 towed touring caravans and some 365,000 caravans used as holiday homes, many of which would be park homes. I am pleased to say that earlier today the Mobile Homes (Pitch Fees) Bill received its Second Reading in the other place, and that legislation is now due hopefully to get on to the statute book before the end of March.

There are 225,000 motor homes in this country, apparently, and some 16,000 new registrations in the most recent year for which there are statistics. It is in that context that I have tabled this Bill, which would amend the provisions in the Caravan Sites and Control of Development Act 1960. That Act was based on a 1959 report by Sir Arton Wilson on the problems of people living in caravans, which found that the principal problem was unclear and insufficient legislation that gave neither local nor planning authorities power to deal with caravan housing. The Act came into force on 29 August 1960, and section 29 of that legislation defines a “caravan” as

“any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—

(a) any railway rolling stock which is for the time being on rails forming part of a railway system, or

(b) any tent”.

and adds that

“‘caravan site’ has the meaning assigned to it by subsection (4) of section one of this Act”,

obviously relating to the same definition of caravans.

Since 1960, what we now know as motor homes have come into the marketplace. The earliest camper vans in Europe were introduced by Volkswagen in 1947, and were essentially motorised trollies, but we now have purpose-built, carriage-built motor homes in large quantity.

Danny Kruger (Devizes) (Con): I congratulate my hon. Friend on the Mobile Homes (Pitch Fees) Bill having its Second Reading in the other place—I am delighted that that Bill is making such good progress, and look forward to its remaining stages.

I listened carefully to my hon. Friend’s definition of a motor home just now, and the exclusions, including a tent and so on. Is he aware of whether houseboats qualify as motor homes or park homes? They are homes that are capable of moving from one place to another, so it would be interesting to hear my hon. Friend’s view on that. I raise that question in the context of the Government’s commitment to support homes that receive their energy off-grid with their energy bills. Does my hon. Friend share my concern that that money could be made available to people living in park homes and houseboats rather quicker than it is at the moment?

Sir Christopher Chope: I am grateful to my hon. Friend for his intervention, and I hope that the Mobile Homes (Pitch Fees) Bill will make progress. I share his disappointment that the 100,000-plus residents of park homes will have to wait until 27 February to be even able to register in order to qualify for help under the energy bills support scheme. As a member of the all-party parliamentary group on park homes, my hon. Friend knows how hard we have lobbied to try to get that money brought forward sooner, and it is a great disappointment that it has not been. As far as houseboats are concerned, I do not think a houseboat is a motor vehicle, which is the essence of what we are talking about here. In order for something to be a motor vehicle, its owner has to be able to register it with the Driver and Vehicle Licensing Agency, and I do not think that houseboats can be registered in that way.

Getting back to the point, the Bill would change the definition of “motor home” so that motor homes, alongside tents and railway sleepers, would be excluded from the definition of a caravan, and would thereby be excluded from the site licensing arrangements that exist for caravan sites. The consequence of that would be to give a big boost to the motor homes sector, and to all those who travel in motor homes and have staycations in them—indeed, quite a lot of people come to our country in motor homes. At the moment, those people are discriminated against: they find it very difficult to park their vehicles overnight in council car parks, for example, because those vehicles are regarded as caravans, and the council may quite reasonably have a prohibition on caravans or say that the site is not licensed for them.

However, a motor home nowadays is essentially a self-contained unit which does not need access to fresh water, waste water, chemical toilets and other elements that we would regard as essential on a camp site or caravan site. Because all that equipment is already on board—tanks of fresh water and waste water, as well as chemical toilets—motor homes should surely be given the flexibility to operate more widely and with less restriction.

The current legislation prevents us from treating motor homes in this country in the same way as they are treated on the continent. As those who use them may know, on the continent there are a great many “aires” where people can stop overnight in their motor homes, with few restrictions, and go about their business. We do not have an equivalent provision in England, although many more aires have been developed in Scotland, for different legislative reasons. There is a real opportunity here for us to deregulate the sector and bring it up to date. We can do that by redefining what we mean by a motor home, and making it clear that it is excluded from the provisions of the caravan site licensing legislation.

Angela Richardson (Guildford) (Con): My hon. Friend has talked about councils' ability to license, particularly on land that they own. In constituencies such as mine, that has been very effective in enabling them to move on certain people who are taking advantage of council-owned land with their caravans. If motor homes are exempted, how does my hon. Friend see that loophole not being exploited by certain sectors of society?

Sir Christopher Chope: I think my hon. Friend—whom I congratulate on securing a Second Reading for her Bill—is trying to talk around the issue of what I would describe as Gypsy encampments. Let us call a spade a spade, rather than beating about the bush. Obviously there is specific legislation dealing with Gypsies and Travellers, and nothing in the Bill would impinge on that.

One of the big complaints made by many people about Gypsies and Travellers is that there are spaces where they could go, but they do not want to go to those spaces because it often involves their actually having to part with a few pound notes—or pound coins. The Bill would enable local authorities to charge motor home residents for overnight stays, while the category of people to whom my hon. Friend was referring have not really shown in the past—I speak in generalities—a propensity to part with their money to pay for parking, wherever that might be.

This is now a big issue for our country. What can we do to help promote the motor home industry and domestic tourism, and show a bit more flexibility? As one who has been committed to deregulation—to the removal of unnecessary regulation—for a long time, I think that this is a relatively unusual Friday Bill, in that it is a deregulatory Bill. I hope that it will have the support of the Government, and, in particular, my hon. Friend the Minister, who I know is a kindred spirit in wanting to reduce the burden of regulation from the citizens of our country.

2.23 pm

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Lee Rowley): I pay tribute to my hon. Friend the Member for Christchurch (Sir Christopher Chope) for introducing the Bill and for the important points that he has made. As he said at the beginning of his speech, there has been a lot of water under the bridge since 1960, when the Caravan Sites and Control of Development Act was passed following the 1959 report to which he referred.

Mr Gagan Mohindra (South West Hertfordshire) (Con): The Minister is, as usual, giving an excellent summation. He has just mentioned the time that has elapsed between the initial legislation and this Bill. Does he agree that we should continue to look back at historical legislation to ensure that it is fit and proper for the present day?

Lee Rowley: My hon. Friend is correct: we should always look to update our legislative canon. We should always seek to ensure that it works for the challenges and the opportunities that face us at the current time. To the point of my hon. Friend the Member for Christchurch: we should always look for opportunities to deregulate and remove legislation where we are able to so and where it is no longer relevant or proportionate.

With regards to the 1960 Act: I do accept that it has been around for many years—for much longer than I have been alive—and that it has worked in many instances. Equally, though, things have moved on. As my hon. Friend knows from his tireless work as chair of the all-party group on park homes, of which that is an element, there has been a need to move the regulation on in recent years, especially with the Mobile Homes Act 2013 and then the work that has been done in relation to park homes since then.

Before I come on to the specifics of the Bill in front of us today, let me just say that, at least on park homes, there has been a significant change in operation, in activity and in how owners of park homes work. It is fair to say—I hope my hon. Friend will agree—that the operation of park homes has got ahead of what the historical law said, which is why changes need to be made.

Danny Kruger: The Minister is right that the operation of park homes has, in a sense, outlived the legislation. One thing that has not changed is that most of these homes still receive their energy off grid. Can he respond to the point that we discussed earlier about the arrangement for supporting homes, including houseboats—particularly those on the Kennet and Avon canal that runs through Wiltshire? We want to see those homes receive the subsidy that has been promised to them as soon as possible. I understand that there have been some significant delays in implementing the new scheme, which is not the Government's fault. Can he give us any update on that?

Lee Rowley: Like my hon. Friend, I also want to see the money that was announced some months ago to go to residents of park homes and to others who are off grid at the earliest possible opportunity. I know that my colleagues in the Department for Business, Energy and Industrial Strategy are working hard to do that, and they have recently made information available to us all, and I am passing that back to the residents of my constituency who live in park homes in Clay Cross, Old Tupton, Staveley, Marsh Lane, New Whittington and elsewhere. They are as keen as my hon. Friend's constituents in Devizes are to make sure that progress is made on this payment and that we can support them during this difficult period with regard to energy.

In the short time that I have left, I wish to do two things, the first of which is to respond to the question from my hon. Friend the Member for Christchurch about the Bill itself. Secondly, I must say that I was the duty Minister back in November when my hon. Friend's initial Bill on park homes was introduced. It was so universally supported in this place that, for the first time since 1997 or 1998, there was no need for anybody from the Treasury Bench to stand up and even argue why we thought it was a good idea. It is immensely pleasing that, where we can make collective progress on such issues as park homes, we are able to do so. I congratulate my hon. Friend on both introducing the Bill and on the progress that it has made—particularly today, when his Bill saw its Second Reading in the Lords.

Mr Mohindra: My hon. Friend the Member for Christchurch also spoke about the support for the motor home sector. Does he agree that part of this change of legislation will benefit the wealth creators, including that particular sector?

Lee Rowley: That is an excellent opportunity for me to pass very quickly to the actual Bill itself. My hon. Friend highlights the important point outlined by my hon. Friend the Member for Christchurch about supporting the domestic tourism industry, the importance of setting people free, the importance of ensuring that regulation does not stand in the way of allowing people to make choices about what they want to do, how they want to do it, where they want to go on holiday and how they want to find places to do that within the United Kingdom. At the same time, as with all legislation—I speak as somebody who, as my hon. Friend the Member for Christchurch kindly points out, is very keen on deregulation—

Mr Mohindra: Will my hon. Friend give way again?

Lee Rowley: I will not, if my hon. Friend does not mind.

Like my hon. Friend the Member for Christchurch, I am also very keen on deregulation. The question is always how to do that and how to unpick the legislation that is in place, which, in some instances, can be 60-plus years old. While I have a lot of sympathy with my hon. Friend's point, and he raises immensely important questions about where it is proportionate for the law and regulation to start and to stop in these areas of economic activity, the Government are not today supporting the Bill. However, I and colleagues responsible for the portfolio in the Department for Levelling Up, Housing and Communities are extremely happy—

2.30 pm

The debate stood adjourned (Standing Order No. 11(2)).

Ordered, That the debate be resumed on Friday 24 February.

Mr Gagan Mohindra (South West Hertfordshire) (Con): On a point of order, Mr Deputy Speaker. I forgot to make a declaration of interest. My wife works for a travel company and, as there was talk in the debate about staycations, that may be regarded as a conflict of interest. I want to make the House aware of that.

Mr Deputy Speaker (Sir Roger Gale): I thank the hon. Gentleman, who has placed his declaration on the record. That is a matter of record.

Business without Debate

NHS PRESCRIPTIONS (DRUG TARIFF LABELLING) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 February.

FIREARMS AND HATE CRIME BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 March.

PRE-PAYMENT METERS (TEMPORARY PROHIBITION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 February.

PUBLIC ADVOCATE (NO. 2) BILL

Resumption of adjourned debate on Question (15 July 2022), That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 3 March.

RULE OF LAW (ENFORCEMENT BY PUBLIC AUTHORITIES) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 February.

BARNETT FORMULA (REPLACEMENT) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 February.

COVID-19 VACCINE DAMAGE PAYMENTS BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 February.

Mr Deputy Speaker (Sir Roger Gale): That will be a busy day.

ILLEGAL IMMIGRATION (OFFENCES) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 February.

COVID-19 VACCINE DIAGNOSIS AND TREATMENT BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 February.

COVID-19 VACCINE DAMAGE BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 24 February.

Maria Eagle (Garston and Halewood) (Lab): On a point of order, Mr Deputy Speaker. We have seen five Bills proceed today. The Public Advocate (No. 2) Bill has been introduced repeatedly to Parliament since 2015, and today's objection from the Government is their 12th in the last two years, despite a proposal for a public advocate being in their own 2017 manifesto. With Bishop James Jones's 2017 report on the lessons to be learned from Hillsborough and its proposals for legislative change yet even to receive a Government response, can you please advise me on how I can convince my constituents, the families of the 97 unlawfully killed and survivors of that terrible day at Hillsborough that our Government care about righting the terrible wrongs that they have suffered over the last 34 years and ensuring that the lessons of that terrible day are truly learned?

Mr Deputy Speaker (Sir Roger Gale): The whole House has enormous sympathy with those who suffered at Hillsborough, but the hon. Lady has been here long enough to know that she cannot use this process or a point of order to prolong the debate here today. It is not a matter for the Chair. If she wishes to pursue the matter further, she may wish to raise it with Mr Speaker, who I am sure will listen sympathetically. The Minister is indeed in his place, but he is not in a position to prolong the debate, either. I simply cannot permit it. That does not mean that the House does not have sympathy with her cause.

Rugby Football: 200th Anniversary

Motion made, and Question proposed, That this House do now adjourn.—(Nigel Huddleston.)

2.34 pm

Mark Pawsey (Rugby) (Con): It is a great honour to have the opportunity to speak about two passions of mine: my home town and constituency of Rugby, and the game of rugby football.

My constituency is unique: nowhere else has given its name to a game that is played around the world. Most people will be familiar with the game, in one code or another. Its characteristic feature is that it is played with an oval-shaped ball, and people run with it and throw it. The question is whether the game is named after the place or Rugby School, where it was first played. Both lay claim to the honour.

We have a massive celebration this year, because the game is 200 years old. It all happened back in 1823. There is a plaque at Rugby School, overlooking the close, where the game started, that commemorates

“the exploit of William Webb Ellis who with a fine disregard for the rules of football as played in his time first took the ball in his arms and ran with it thus originating the distinctive feature of the rugby game AD 1823.”

Young Webb Ellis is credited with that action, when everybody else was kicking or hacking the ball, although plenty of people contend that it was not him at all and that the game simply evolved. I do not think there is any question but that he was there, but many people believe he was just a great self-publicist, who took the credit and got his name both into history and the record books. Whatever is true and whatever happened, it is generally accepted, not least by rugby union's international governing body, that it was all down to William Webb Ellis, as the world cup, which is played every four years and will take place later this year in France, is known as the Webb Ellis cup.

Over the 200 years since 1823, the game has developed. There are two codes. I am always mindful of that when Mr Speaker is in the Chair, because rugby league arose in the north of England as a consequence of the desire for working men to be compensated for wages lost when they played. Rugby union remained defiantly amateur until 1995.

There are differences in the two games, not least the number of players on the pitch, but a common feature is the shape of the ball. That shape came about because of the shape of the pig's bladder that was originally used as a ball, and later from the work of William Gilbert, a bootmaker in the town, who was approached by Rugby schoolboys in the first half of the 1800s to encase the bladder with leather, so it would be a more regular shape that was easier to kick and throw.

The rules of the game were first written down by three Rugby schoolboys in 1845. Games originally took place in England, but, as the boys left the school to make their way in the world, they took their game with them. A team was first formed in Australia in 1864, New Zealand in 1870, France in 1872 and South Africa in 1875. Indeed, at the parliamentary rugby world cup, played on the close at Rugby School in 2015, just ahead of the proper world cup, headmaster Peter Green was able to address each of the teams taking part and tell them the name and story of the Rugby schoolboy who took the game to their country.

As I mentioned, there are union and league forms of the game, but today we also have seven-a-side rugby, the game played with 10 players on each side, touch rugby and mini-rugby, which introduces younger players to the game. There are also forms of beach and snow rugby. There is a thriving women's game at all levels and mixed-ability rugby. Rugby union was first played at the Olympic games in the early 1900s and reinstated in 2016 in the sevens format.

The game has grown hugely in its 200 years. World Rugby has 132 country members and estimates that approaching 10 million people play the game globally, with rugby's reputation as a game for all shapes and sizes holding firm across the world. There is a position on the field for everyone—from the strong and tall players in the forwards, to the smaller, faster and more elusive players in the backs—which is one key to rugby's success. That inclusiveness engenders a team spirit that involves, for many, putting the values of the game into practice.

There are five key values of rugby: teamwork, respect, enjoyment, discipline and sportsmanship. On teamwork, rugby is a game where players play selflessly for the benefit of the team, both on and off the field. It is a tough game, as I am sure you will know, Mr Deputy Speaker, but respecting and acknowledging opposition players is greatly important and that extends to the supporters. It is a game that is largely played for fun, to adopt a healthy lifestyle, to build life skills and to enjoy that essence of being part of a team.

James Sunderland (Bracknell) (Con): I commend my hon. Friend for his excellent speech about rugby—and, of course, many congratulations to rugby on its 200th anniversary. It is a very important occasion. In Bracknell, of course, we have our fantastic Bracknell rugby club, which is in regional 1 south central of the London and south-east division. I am proud to have that in the constituency. We are also seeing a lot of state schools playing rugby now; it was perhaps previously the reserve of private schools. Does he agree that rugby has come a long way in its 200 years? We are seeing women's rugby now, and rugby being played across the globe. Does he agree that it is a fantastic thing that it is now becoming much more accessible for all?

Mark Pawsey: My hon. Friend is entirely right. The game has grown massively and is played at all levels in all parts of the world and all corners of the UK.

I was talking about rugby being a game with discipline and with physical endeavour. It is controlled physical endeavour, but players have to be honest and fair and sportsmanship is the foundation on which rugby is built. There is a great sense of camaraderie between rugby players and their teammates. All those values are seen in charity work that is done up and down the country, with the game of rugby being used as a tool to change lives. These organisations are often characterised by their bright and distinctive blazers—I am thinking of organisations such as Wooden Spoon and the Atlas Foundation, where the power of rugby to make a difference and to give young people a purpose, helping them to create a support network and to get on with their lives, is completely inspiring.

I have been proud to host the Premiership Rugby community awards here in Parliament over a number of years. Premiership Rugby's award-winning education

and employability programme HITZ uses the core values of the game to inspire and motivate young people into education, employment or apprenticeships and has engaged more than 20,000 people since it was created in 2008.

Another programme is Project Rugby, which is run by Premiership Rugby in collaboration with Gallagher and England Rugby. It is designed to increase participation by people from traditionally under-represented groups, perhaps in the basic way my hon. Friend the Member for Bracknell (James Sunderland) mentioned. Project Rugby was extended in April 2022 to bring young women and girls from diverse backgrounds into rugby in partnership with the Asian Sports Foundation.

The growth and spread of the game over 200 years is worth celebrating and that is exactly what is happening in rugby this year. It all starts this coming Sunday on the close at Rugby School, where 140 people—including our very own Sports Minister, who is at the Dispatch Box today, world cup winner Mike Tindall, England Women's 100 cap international Emily Scarratt and almost all the former captains of rugby at the school dating back to 1957—will make a global pass to send 200 balls around the UK. They will be going, among other places, to Ventnor on the Isle of Wight, which has a connection to Rugby's famous headmaster Dr Thomas Arnold, to Wales, to Llanelli, and over the sea to Belfast.

Sir Christopher Chope (Christchurch) (Con): Will these 200 balls be the ghastly new synthetic ones, or will they be the original leather ones?

Mark Pawsey: That is something the Minister and I will discover on Sunday, but there is every possibility that it will be the modern material, which is much easier to catch and therefore makes for a more exciting game because of better handling. Those balls will not just be going around the UK; they will be heading out to Australia, Japan, New Zealand, South Africa, the USA, Kenya and Singapore. Each one of the 200 balls will be passed to represent each year that has passed since the game started.

That is this coming Sunday, but across the year we have other events. England are going to play on the close at Rugby School against Wales in an under-18 women's game. We are going to hold an international under-18 sevens tournament. There will be an under-nine and under-11 club festival, which will enable the youngest players to take part, and there will be a veterans rugby club sevens for the oldest. In the same vein, the Commons and Lords rugby club, which is Members from both Houses, will play a veterans team on the close made up from the six local clubs in the town of Rugby.

On St George's day, we will attempt to create the world's largest rugby scrum. The current record is 2,586 people. We are aiming for 3,000 pupils from local schools and others to beat that record. There will also be, as has happened a couple of times previously, a re-enactment of the first ever game, in the clothing that the players would have worn back in 1823. Some lucky person will take on the role of William Webb Ellis.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): On the subject of firsts, will the hon. Gentleman join me in celebrating the life of Jimmy Peters, who was the first black man to play rugby union for England in 1906 versus Scotland? He played for Plymouth RUFC,

[Luke Pollard]

which is now Plymouth Albion, before he went on to play rugby league in the north for St Helens, only after losing three of his fingers in a dockyard accident. Just as Plymouth Argyle celebrated Jack Leslie, the first black player who should have played for England, does he think it is time to celebrate the pioneering work of Jimmy Peters for rugby?

Mark Pawsey: The fact that that happened as long ago as 1906 demonstrates the inclusive nature of the game of rugby and how people are welcomed from all backgrounds. One of the things about club rugby is that it sees people from an enormous range of backgrounds packing down together, playing together and engaging with one another.

We are going to have a major public festival of arts and education in the town throughout the year. There will also be a number of cycling pilgrimages, including one to Twickenham, and some hardy souls will be cycling to William Webb Ellis's final resting place in Menton in the south of France. In 1923, 100 years after the game was founded, there was a special match on the close between a team made up of English and Welsh players against one from Scotland and Ireland. We are going to recreate that this year, and there will also be a series of special matches for the teams from Rugby School.

All in all, there is a spectacular list of events taking place in Rugby in 2023, all in keeping with the values of the game of rugby and with a charitable objective, particularly involving Wooden Spoon, with its emphasis on supporting children and young people. Most of those events will be on the close at Rugby School, bringing the school and the town together. I am really looking forward to welcoming the Minister on Sunday and maybe getting a pass between us.

2.49 pm

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Stuart Andrew): I am pleased to respond to this debate and grateful to my hon. Friend the Member for Rugby (Mark Pawsey) for securing it.

The contributions from Members throughout the Chamber show the huge impact that the sport of rugby has had in the 200 years since William Webb Ellis first ran with the ball at Rugby School. I think all Members will agree that rugby has made an overwhelmingly positive contribution to sport and culture in our country. As we have heard, there are plenty of reasons to celebrate the sport of rugby in its bicentennial year. I am delighted that, as my hon. Friend mentioned, I will be joining him for the launch of the celebrations at Rugby School on Sunday—although I have to say that I have some trepidation about taking part in the pass of the ball, because I am renowned for dropping them. I am rather pleased that the modern version makes it easier for me to at least hold the thing.

The sport of rugby football, both union and league, has had a huge impact in the United Kingdom. Whether through inspiring moments at the elite level or bringing people together at the grassroots level, rugby clearly enriches lives. It continues to be one of our biggest participation sports, bringing communities together and, crucially, helping to keep people active. We should be

proud that a sport that was born in England is now a truly global one that is making a positive impact in local communities all around the world.

The sport already has a great legacy, and it is one that we as a Government want to continue to support and to see grow and develop even further. We have shown our commitment to doing that during the recent challenges of the pandemic. Through the £600 million sport survival package, we helped to ensure the survival of rugby union and rugby league. I pay tribute to the Under-Secretary of State for International Trade, my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston), who did an enormous amount of work in that period. We also worked hard to enable the safe return of the grassroots game as soon as possible, despite the challenges presented by the close contact in the sport.

This year, 2023, promises to be a big year for the sport of rugby union, and one that is worthy of such an anniversary. I am sure the House is aware that the Six Nations begins this weekend. I am looking forward to attending England's match tomorrow against Scotland at Twickenham, where I expect that the Calcutta cup will be as fiercely contested as ever. As we have heard, September and October will see the men's rugby union world cup take place in France. It will see nations from around the globe vying to take home the cup that bears the name of the Rugby schoolboy who started it all off in the first place.

As my hon. Friend mentioned, it is important that we recognise the contributions of both codes of rugby football. Last year saw England successfully host the rugby league world cup. It was a groundbreaking tournament that will hopefully inspire further growth of the game. For the first time, the men's, women's and wheelchair tournaments were held concurrently, ensuring that they shared the spotlight that can all too often be reserved for the men's game. It really was an amazing tournament to go and see. I was particularly pleased with the wheelchair team's success in the final. It was great to be there. It has inspired so many other people to get involved in the game. All participants were paid the same and all 61 matches across the three competitions were broadcast live.

The importance of taking part in sport and physical activity has never been clearer. As we continue to recover from the impact of the pandemic, sports such as rugby can play a vital role in getting our nation active and improving our physical and mental health, as well as building a sense of community. The Government will reaffirm their commitment to the importance of sport and physical activity when we publish our new sport strategy this year.

I thank my hon. Friend for raising the value of charity and community work through organisations such as Wooden Spoon. As Minister for Civil Society and Youth, I understand the importance of such organisations to local communities throughout the nation. We cannot underestimate their huge contribution to our nation, particularly in challenging times such as those we are experiencing. I sincerely thank them for all the work they do.

As I have said, rugby's bicentenary is a milestone that is worthy of celebration. My hon. Friend mentioned a whole raft of events to which we can look forward this year. I have to say, though, that I am somewhat bemused by the idea of a scrum of 3,000 pupils; all I can say is what could possibly go wrong?

The bicentenary also provides an opportunity for reflection and to consider the continued growth and development of the game. I mentioned the positive steps we saw last year at the rugby league world cup, with equal prominence given to the men's, women's and wheelchair competitions. Hopefully that precedent will be built on in future tournaments. In rugby union, England have also been leading the way in progressing the women's game. England were the first country in 2019 to offer full-time contracts to their women's squad. Since then, the Red Roses have gone from strength to strength, setting a new record for consecutive victories in international rugby union at 30 and winning the last four Six Nations championships in the process. That run came to an agonising end in November, when the Red Roses narrowly lost the world cup final to New Zealand, which I know will make my hon. Friend the Member for Guildford (Angela Richardson) rather happy but made the rest of us feel heartbreak. I certainly felt that in the early hours as I watched it from home.

Other countries have clearly taken note and have started to follow England's lead with the awarding of full-time contracts to their women's teams. That can only help to improve the women's game and encourage more women and girls to play the sport. The Government are absolutely committed to supporting women's rugby, and women's sport more broadly, at every opportunity, pushing for greater participation, employment, commercial opportunities and visibility in the media. England will be hosting the next women's world cup in 2025, which will represent a great opportunity to continue to grow

the game. I am sure that Members will join me in hoping that the tournament can set new attendance records and that the Red Roses can win the trophy on home soil and bring it home.

While we are on the issue of inclusivity, hon. Members rightly pointed out the enormous range of backgrounds that rugby attracts. The hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) was right to mention the first black player, Jimmy Peters.

As we have heard from Members across the House, the sport of rugby has had a profound impact on our country over the last 200 years. I am sure that William Webb Ellis would be amazed at how far the game has come in that time. I hope the sport continues to grow and positively contribute to all our lives in the years ahead. I can assure my hon. Friends that I will continue to work with the Rugby Football Union, the Rugby Football League and Sport England to support rugby in all its forms.

Once again, let me take this opportunity to thank my hon. Friend the Member for Rugby for securing this insightful debate, thank hon. Members for their contributions, and wish all those in rugby across the world a great year of celebration. I look forward to being there on Sunday in great company and hope I do not drop the ball.

Question put and agreed to.

2.57 pm

House adjourned.

Written Statements

Friday 3 February 2023

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Energy Prices Act 2022: Expenditure on Energy Schemes in Q4 2022

The Secretary of State for Business, Energy and Industrial Strategy (Grant Shapps): I am tabling this statement to update hon. Members under the Energy Prices Act 2022, in line with the requirement under the Act for quarterly reporting to Parliament on expenditure incurred under it.

This is the first quarterly report on energy scheme expenditure under section 14 of the Act and covers the period from 1 October to 31 December 2022.

Energy prices are extremely volatile, and changes will affect the outturn cost of the schemes.

£ million	Expenditure incurred	
	a) Expenditure incurred between Oct 22-31 Dec 22	b) Cumulative expenditure incurred to date
Energy Bills Support Scheme GB & NI	5,748	7,673
Energy Prices Guarantee GB & NI	6,969	6,969
Energy Bills Relief Scheme GB & NI	1,552	1,552

Energy price guarantee costs in the table above are on a cash basis and so do not account for all costs accrued in October to December 2022. We expect the majority of the financial year 22-23 costs for the energy price guarantee to accrue in January to March 2023 due to a higher subsidy rate and higher historical usage. Expenditure incurred on the energy bills relief scheme is lower than previous estimates, reflecting the fact that many businesses are paying less for their energy than previously forecast.

Forecasts of total expenditure for the largest energy schemes, in consequence of the exercise of powers conferred by section 13, were published by the Office for Budget Responsibility on 18 November 2022 as part of the autumn statement 2022. This was £37.5 billion for the energy price guarantee and £18.4 billion for the energy bill relief scheme. Autumn statement 2022 documents

For the energy bills support scheme, the total expected cost was published in October 2022 as £11.7 billion.

How Households and Businesses will be supported by the Energy Prices Bill

The total expected expenditure for alternative fuel payment (domestic) at the business case stage was £708 million. For alternative fuel payment (non-domestic) it was £112 million, for energy bills support scheme NI, £334 million, and for energy bills support scheme alternative funding, £362 million. These costs are in addition to the

forecasts of total expenditure for the main schemes. These figures were not included in the autumn statement 2022 and publishing this information will be the first time they are in the public domain.

Forecasts will be updated in March 2023 as part of the spring Budget 2023, as part of a regular, formal fiscal reporting process.

Note:

Actual spending on some schemes will be dependent on levels of demand for gas and electricity and prices in relevant markets, the pricing and renewal profile of business contracts eligible for support, as well as decisions taken concerning the exercise of the section 13 powers.

The energy bills support scheme alternative funding, alternative fuel payment (domestic), alternative fuel payment (non-domestic), and heat networks alternative dispute bodies funding schemes utilise the power conferred by section 13 of the Energy Prices Act 2022, however these schemes have not incurred expenditure to report to 31 December 2022. This does not include administrative costs.

The energy bills support scheme in Great Britain was not made under the powers conferred by the Energy Prices Act 2022 but it is included for completeness. Some payments from BEIS to suppliers started September 2022, which is why the cumulative total is higher than spend between October 2022 to December 2022.

The table does not include administrative or running costs.

[HCWS541]

INTERNATIONAL TRADE

Comprehensive and Progressive Agreement for Trans-Pacific Partnership Update

The Secretary of State for International Trade (Kemi Badenoch): A third round of negotiations for the UK's accession to join the comprehensive and progressive trans-Pacific partnership took place from the 5-9 December in London. Over 150 officials from five continents took part in a series of discussions on the UK's accession. Talks were productive, with the UK making good progress and concluding substantive discussions on several areas. The UK is also now agreed to have demonstrated its compliance with CPTPP rules across almost all chapters of the agreement.

Intensive discussions will continue on the remaining items and the UK Government looks forward to continuing to work closely with the 11 members to ensure accession takes place on terms that work for the UK.

The UK will ensure that the final agreement on CPTPP membership upholds the Government's manifesto commitment that the NHS, its services, and the price it pays for medicines are not on the table. The NHS is not, and never will be for sale to the private sector, whether overseas or domestic.

[HCWS542]

WRITTEN STATEMENTS

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Worker Protection (Amendment of Equality Act 2010) Bill [Col. 584]

Not amended, considered; read the Third time and passed

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