

# Parliamentary Bureau - Supplementary Legislative Consent Memorandum

## Employment Rights Bill (UK legislation)

### Introduction

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls.

### Employment Rights Bill

2. This Bill was introduced in the House of Commons on 10 October 2024.
3. An LCM was lodged by Shona Robison MSP, Cabinet Secretary for Finance and Local Government on 11 December 2024. It was supported by Ivan McKee MSP, Minister for Public Finance. Following the tabling of relevant amendments on 5 March 2025, a supplementary LCM was lodged by Neil Gray MSP, Cabinet Secretary for Health and Social Care, on 3 April 2025.
4. The Bill's main purpose is to deliver the key legislative reforms set out in the UK Government's "Plan to Make Work Pay". The Bill therefore seeks to: update and enhance existing employment rights and make provision for new rights; make provision regarding pay and conditions in particular sectors; and make reforms in relation to trade union matters and industrial action. It further creates a new regime for the enforcement of employment law.
5. The supplementary LCM relates to the provisions on Social Care Negotiating Bodies, which are included within Chapter 2 of Part 3, with further consequential amendments in Schedule 5.
6. The policy objective of Chapter 2 is to introduce negotiated agreements in the social care sector. It seeks to do this by creating a framework, through various regulation making powers, for establishing and implementing a legally binding agreement which may be negotiated by a "negotiating body" made up of relevant employer and worker representatives, and other representatives as deemed necessary. This framework will allow for agreements to set out matters relating to pay and other terms for relevant workers in the social care sector.
7. Amendments tabled on 5 March 2025 sought to adjust the provisions in Chapter 2 by making provision for social care negotiating bodies for Scotland and Wales. The supplementary LCM is concerned with those amendments as they relate to Scotland.
8. The original LCM indicated the Scottish Government's intention to seek the consent of the Scottish Parliament to the relevant provisions of the Bill.

9. The supplementary LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provisions in this Bill, including in relation to the amendments to the Bill.

### **Designation of lead committee**

10. The original LCM was referred to the Economy and Fair Work Committee as the relevant provisions fell within its remit. However, the supplementary LCM is concerned with relevant provisions in relation to tabled amendments to the Bill.
11. The relevant provisions of the Bill (for the purposes of this supplementary LCM) fall within the remit of the following committees:
- Health, Social Care and Sport Committee- the relevant provisions relate specifically to the social care sector. The committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care. The Cabinet Secretary is responsible (among other things) for health and social care integration. He is supported by the Minister for Social Care, Mental Wellbeing and Sport, who is responsible (among other things) for social care and integration and the social service workforce.
  - Economy and Fair Work Committee - whose remit is (among other things) to consider and report on matters within the responsibility of the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, with the exception of Gaelic. She is supported by the Minister for Employment and Investment, who has responsibility (among other things) for fair work and effective worker voice.
12. Of these, the remit of the Health, Social Care and Sport Committee appears more relevant because of the focus on social care. However, formal designation of that committee as lead committee does not preclude any other committee whose remit is engaged from considering the supplementary LCM if it so wishes.
13. The original LCM was considered by the Delegated Powers and Law Reform Committee in relation to provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.
14. The supplementary LCM will be considered by the Delegated Powers and Law Reform Committee on 13 May 2025 in relation to provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

### **Recommendation**

15. The Bureau is invited to recommend, under Rule 9B.3.5, that the Parliament designate the Health, Social Care and Sport Committee as lead committee on the supplementary LCM. A draft Bureau motion is set out below.

Parliamentary Business Team  
May 2025

**Draft Parliamentary Bureau motion:**

**Designation of Lead Committee** – That the Parliament agrees that the Health, Social Care and Sport Committee be designated as the lead committee in consideration of the supplementary legislative consent memorandum relating to the Employment Rights Bill (UK Legislation).