



E: MinisterSCMW@gov.scot

Clare Haughey MSP
Convener of the Health, Social Care and Sport
Committee

24 June 2025

Dear Clare,

GOVERNMENT EMPLOYMENT RIGHTS BILL

Legislative Consent Motion to be debated on 25 June 2025

I am writing to the Committee to provide an update on the above Legislative Consent Motion (LCM) to be debated this Wednesday.

The terms of the LCM lodged are undernoted. As you can see, unlike the draft LCM attached to the Supplementary Legislative Consent Memorandum lodged on 18 March 2025, there is no reference in this LCM to section 47 or schedule 7 of the Employment Rights Bill.

On further consideration, we are of the view that section 47 and schedule 7 do not alter the executive competence of the Scottish Ministers. Thus, these provisions do not require the consent of the Scottish Parliament and have therefore been omitted from the scope of the Motion.

This does not alter the legal position and the fact that the Employment Rights Bill represents a significant opportunity for Scottish Ministers to drive forward Fair Work policy in the social care sector.

Kind Regards,

TOM ARTHUR

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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Undernote

That the Parliament agrees that the provisions in the Employment Rights Bill, introduced in the House of Commons on 10 October 2024, and subsequently amended, relating to the protection of workers in relation to relevant outsourcing contracts (amended clause 30), and the establishment of the Social Care Negotiating Body for Scotland (amended clauses 36 to 46 and 48 to 52 (alongside related amended clauses 153 and 155)), so far as these matters alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

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