



A First Look at the Employment Rights Bill and What is Left Unsaid: Delegated Powers, Planned Consultations and Government Amendments

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By Lucy Moxham. This post was written as part of the Bingham Centre's [Rule of Law Monitoring of Legislation Project](#).

The [Employment Rights Bill](#) was introduced into Parliament this month and received its second reading in the House of Commons on 21 October. The Bill has been [described by the Hansard Society](#) as "primarily 'framework' or 'skeleton' legislation" with much left to secondary legislation. In addition, the government anticipates making a range of amendments to the Bill following consultations run in tandem with the legislative process. In these respects, the Bill may raise rule of law concerns as it has been recognised (see e.g., the [Rule of Law Checklist adopted by the Council of Europe's Venice Commission](#)) that the scope of executive law-making powers, whether law-making procedures allow sufficient scrutiny of proposed legislation, and whether the resulting legal frameworks provide legal certainty, all impact on the rule of law. This comment piece does not take a view on whether this complex Bill fully satisfies rule of law requirements in these areas. Instead, it maps out the some of the main reform proposals and identifies key standards on delegated powers and government amendments, which parliamentarians and others should consider during further stages of the Bill's passage.

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