# CURE CODEBOOK

When a societal problem needs to be addressed by the government, a variety of political actors try to shape the perception of the problem and its solutions in order to influence the political process leading to policies. These political actors can include government agencies, legislators, political parties, activists, firms, lobbyists and interest groups, associations, charities, and other stakeholders. They give news media interviews, appear in parliamentary debates and inquiries, and use social media to propose (or reject) elements of policies. This process is called a policy debate. We can often find digital trace data containing positive or negative statements by actors on policies in the form of text data.

The literature on discourse network analysis (Leifeld 2013; 2017; Leifeld and Haunss 2012) has applied social network analysis to model policy debates and their evolution over time. There are [more than 300 publications and theses](https://github.com/leifeld/dna/blob/master/build/bibliography.md) using discourse network analysis, and there is a [YouTube video](https://www.youtube.com/watch?v=u3hc86Tcs9A) demonstrating the workflow for analysis using the software [Discourse Network Analyzer](https://github.com/leifeld/dna/) (DNA). DNA comes with an associated R package called rDNA for interoperability. The focus of this work has been mostly on analysing manually annotated documents.

The workflow would benefit from semi-automatic, supervised text annotation approaches that can scale this work up to many thousands of documents, given a manually prepared codebook and an appropriate AI tool chain or workflow. The dissertation project will explore and implement such approaches from the domains of natural language processing (NLP), large language models (LLM), and/or machine learning (ML), possibly including the area of active learning, in an application to political contestation over remedies in labour law.

## Case name: Remedies in labour law

In labour law, a legal remedy is usually sought when an employer or employee has threatened to breach or has breached an employment contract or violated a labour statute. These remedies can range from financial compensation to reinstatement in case of unfair dismissal, declaration of rights and a range of other possible mechanisms, including, for example, punitive sanctions for employers (e.g. fines), injunctions to force the injuring party to stop the violation or declaration of rights by courts/tribunals. Different legal systems have adopted different procedures and standards around remedies, and the European Commission (EC) and International Labour Organisation (ILO) are working towards a legal harmonisation of these practices. This work will serve as a substantive application for developing an AI tool chain for annotating statements by political actors in legislative speech.

The case focuses on the complex debates around the role of remedies in the statutory regulation, i.e. through parliamentary legislative processes, of labour standards in the UK. While parliamentary debates represent a critical component of the legislative process in democratic systems, there has been no systematic research so far examining the relationship between parliamentary debates and legislative choices in the sphere of labour law, let alone remedies.[[1]](#footnote-2) In this project, we are interested in identifying whether and how remedial rules and institutions become the subject of competing discursive frames and the implications of such contestation for the legislative outcomes regarding remedies and the imaginaries of justice in relation to the employment relation more broadly.[[2]](#footnote-3) The measurement of the discourses/narratives and contestation in legislative/policy processes will be then used to analyse the interplay of these with the evolution of the judicial and industrial relations systems in relation to the adjudication and allocation of remedies that constitute the focus of other Work Packages in the CURE project.

The overall framing for the analysis is based on a text-as-data approach, which treats parliamentary speech as data that can be analysed using computational methods to reveal patterns, trends, and relationships in legislative discourse.[[3]](#footnote-4) The objective is to capture the process of argumentation by means of a scheme that accounts for the different stages of a legislative discussion, for the issues or questions raised at each stage, for the actors’ attitudes towards these questions (i.e. approval or refusal), and for the reasons advanced for and against these attitudes or positions. DNA is particularly well-suited for analysing parliamentary debates, because it can capture both the content of policy positions and the relational aspects of political discourse. This will be complemented by a closer, textual, reading of the amendments made to draft legislation, thus gaining insight into the complex activity of arguing about and legislating in the case of labour law.[[4]](#footnote-5)

To that end, we are primarily interested in discourses in the legislative process that deal with the substantive dimensions of remedial rules (e.g. rules on compensation, reinstatement, order of specific performance, declaration, fines, (aggravated/punitive) damages, criminal sanctions).[[5]](#footnote-6) Parliamentary debates and proceedings deal with these dimensions in different ways. In some debates, policy actors explicitly refer to these dimensions where the objective of proposed legislative reforms includes the remedial framework (e.g. remedies in the case of fire and re-hire in the 2024 Employment Rights Bill). Alternatively, policy actors may deal indirectly with the remedial framework. This takes place mostly when policy actors engage with issues related to the nature and patterns of violations, wrongs or transgressions as well as compliance and/or the effectiveness of the enforcement system. This may involve respectively debates that focus on the boundaries of legal classification of wrongs, violations or other forms of injustices that may require recognising new rights or offences to respond to non-compliance with labour law provisions or existence of protective gaps. It may also involve debates that focus on the broad elements of the enforcement system (e.g. access to justice, ability of courts to deal effectively with claims and powers of public administrative authorities). These dimensions are consistent with the idea that "remedies obviously serve as instruments of rights enforcement, but they also participate in the constitution of the rights they help enforce."[[6]](#footnote-7)

The overall objective is to understand why certain legislators take particular ideological and legislative stances on some issues, how such stances are contested in the parliamentary arena and how these patterns intersect with the regulation of the nature and extent of remedial mechanisms in labour law. Ideally, we are interested in time periods that cover different ideological and political approaches and include periods of legal/institutional change, incremental or radical, on the basis that these may play a significant role in the direction of the evolution of the remedial framework in the labour law system. This will help capture changes in the narratives and contestation patterns concerning the remedial framework and provide a combination of distant and close-reading analysis sensitive to the socio-political and economic context in which legislative decision-making takes place.

### Main assumptions/hypotheses

Legal/institutional experimentation: The first assumption/hypothesis is that there is no or limited legal/institutional experimentation in the legislative process for the determination and allocation of remedies in labour law. This is related to the claim that there is lack of remedial imagination or laziness on the part of legislative decision-making bodies to consider other potentially more effective means of remedies and redress (e.g. injunctions).

The lack of regulatory experimentation can be for various reasons: 1. That emphasis is traditionally placed on the substantive content of labour rights and not on their respective remedies. In this case, it is likely that legislators tend to revert to default remedies (primarily monetary awards, i.e. compensation/damages) when introducing new rights and patterns of contestation may be low in this respect. This may be the case where there is a disconnect between the notion of remedies and that of wrongdoing. However, there may be some variation in terms of the scope and nature of remedies depending on the type of right. E.g. equality rights may attract stronger remedies due to the status of equality rights as fundamental rights. 2. That determining and allocating more effective remedies is counter to arguments around labour market flexibility. In this case, it is expected that patterns of contestation may be more pronounced as there may be different approaches on the extent to which legislation should provide for weak remedies, e.g. two weeks’ pay as a remedy to the breach of the right to be accompanied to a disciplinary hearing rather than requiring that a new hearing takes place, or stronger ones, e.g. recourse to strike against fire and re-hire practices. 3. That the question of remedies should be best determined by other institutions, e.g. employment tribunals or public administrative authorities, or should be delegated to the executive (e.g. via Regulations or Statutory Instruments (SI) that are laws created by ministers (or other bodies) under powers given to them by an Act of Parliament).[[7]](#footnote-8)

Labour law reforms that affect indirectly the regulation of remedies:The second assumption/hypothesis is thatlabour law reforms that may be superficially seen as unconnected to the question of remedies still affect the allocation of remedies indirectly, e.g. through changes in the procedural dimension of access to justice and/or the definition of wrongs/violations that then attract particular remedies and the legal/institutional design of the enforcement system. In the first case, i.e. access to justice, this is because the ultimate purpose of access to justice is to secure remedies for legal wrongs or violations. In the second case, i.e. wrongs or violations, this is because the legal characterisation of a wrong or violation may then attract a particular remedy. Finally, remedies represent the substantive outcome of legal processes, while enforcement mechanisms constitute the procedural means through which these outcomes are realised. As such, it is important to consider in these cases how different ideological or political approaches may play a role in the direction of legislative reforms across these areas.

In respect of the procedural dimensions that intersect with the function of remedies, it may be the case that in certain periods, there are more restrictions on the procedural aspects of access to justice (e.g. introducing fees for Employment Tribunal claims by the Conservative Government) so as to impact upon the availability of different recourse options and remedies. In respect of the ways through which wrongs or violations are defined, this may involve, for example, expanding the circumstances under which trade unions may be found liable for damages in unlawful industrial action (e.g. legislative interventions by Conservative Governments in the 1980s and 2016). Conversely, it may involve the strengthening of remedies via, for example, the creation of new criminal offences in the case of labour law violations (e.g. in respect of slavery, forced labour or trafficking) or the introduction of more coherent enforcement systems (e.g. the Fair Work Agency proposed by the Employment Rights Bill 2025). These may reflect changes in the social norms around the impact of such violations on individuals’ dignity and the enforcement dimension of the determinants related to the notion of justice in labour law.

### Remedies – classification

This table provides the main characteristics of the main remedies available in UK labour law. Please note that while the main focus is on remedies for employees/workers, we are also assessing the nature and scope of remedies for employers (e.g. injunctions in the case of unlawful action, damages for breach of contract and unlawful industrial action etc.). This is for the purposes of assessing the conceptualisation of the underlying logics, contestation patterns between different actors and potential scope for divergence in the nature and extent of remedies available to the different parties in the employment relationship.

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| **Remedy** | **Definition** | **Examples** |
| **Declaration of rights** | This refers to the court orders that declare the rights of the complainant and the respondent in relation to the matters to which the proceedings relate, i.e. they do not order specific action. This outcome is more typical in disputes regarding employment status, discrimination claims or terms of the employment contract. | Equality Act s 124  Employment Rights Act 1996, ss 12(3) and 24(1), s 801(1)(a)  Working Time Regulations 1998, s 30(3)(a) |
| **Injunction** | An injunction is a discretionary power that can be exercised by a county court, or the High Court. In relation to labour law injunctions may be obtained to enforce rights set out in the contract of employment (e.g. in respect of post-employment restrictive covenants) and industrial action.  Please note that the following:   1. Injunctions are not common in labour law as Employment Tribunals do not have the right to issue injunctions (only courts can) 2. Failure to comply with an injunction may result in criminal proceedings for contempt of court. | Industrial action: where immunity does not apply, those party to contracts which are broken (e.g. workers), or the performance of which is interfered with, by the organisation (or a threat to  organise) industrial action may seek an injunction from the courts.  Injunctions available against other breaches of contracts (e.g. in relation to non-compete clauses, contractual agreements that restrict an employee’s ability to engage in certain activities or work for certain competitors for a specified period after leaving their current employer). |
| **Re-instatement or re-engagement** | This refers to tribunal orders that require that the successful claimant be reinstated to their old job or re-engaged in a different, suitable role by the employer. | Employment Rights Act 1996, s 113. |
| **Recommendation[[8]](#footnote-9)** | This refers to a recommendation by the tribunal that is directed to the employer to take certain steps within a specified period “for the purpose of obviating or reducing the adverse effect on the claimant of any matter to which the proceedings relate”. (Please note that before 2015, recommendations could also benefit other employees and not only the claimant). | Equality Act, s 124. |
| **(Compensatory) damages** | These refer to a monetary award made by tribunals or courts. The amount awarded depends on the specific circumstances of the case, such as lost earnings, future loss of earnings (i.e. damages for loss incurred), and, in other cases, e.g. discrimination, the damages include for injury to feelings (i.e. compensation). | Employment Rights Act 1996, s 117.  Working Time Regulations 1998, s 30(3)(b) and s30(4)  Wrongful dismissal claims (these draw on common law and not on statutory law (i.e. legislation).  Damages for losses suffered by the employer in the case of contract breaches arising from industrial action |
| **Aggravated damages** | This refers to compensatory damages that take into account conduct (e.g. if the employer has behaved particularly badly) that aggravates the injury to the other party (e.g. the employee). The conduct must have caused loss to the claimant. The award for aggravated damages is considered separate to injury to feelings. | These have been sometimes awarded in discrimination cases and breach of contract claims. |
| **Punitive/exemplary damages** | These are monetary awards that take into account the respondent’s (i.e. defendant) wrongdoing and seek to punish and deter this type of conduct. Note that they are not compensatory (as in the other types of damages, e.g. aggravated), i.e. they are awarded independently of any loss suffered. | Note that in UK labour law, punitive damages are not available in principle. This is because it is accepted that the concept of punishment should not apply in the context of private agreements (e.g. in employment contracts). In legal theory, there have been proposals about introducing punitive damages in labour law and it would be useful to see if such arguments have been made at the parliamentary/legislative level too. |
| **Vindicatory damages/awards** | This refers to awards that are provided for the primary purpose of recognizing and affirming the inherent value of legal rights held by an affected party (i.e. to acknowledge that the claimant’s rights have been infringed). | Employment Rights Act 1996 s.117(3)(b):  This provides for the award of an additional sum on top of compensation for unfair dismissal in the event that the employer declines to give effect to an order for  reinstatement or re-engagement. |
| **Order of specific performance** | An order for specific performance is a court-issued directive that mandates a party to fulfil their contractual obligations rather than just paying damages for failing to do so. This remedy is relevant when the subject matter of the contract is unique or holds particular value that cannot be easily quantified in monetary terms (i.e. as damages or compensation) | Not common in statutory labour law nor common law due to the interference with personal liberty, e.g. it would compel the continuation of an employment relationship. However, it would be useful to understand if this argument has been brought up in the parliamentary debates |
| **Civil penalties** | This refers to penalties applicable via civil law by public authorities, (cf. with criminal law sanctions). Please note that these do not constitute stricto sensu remedies as they are not awarded to the claimant but are usually paid to the state. However, they are considered part of the remedial framework in general. | National Minimum Wage Act 1998, ss 17-19H and 31-33. |
| **Criminal sanctions** | This refers to sanctions for criminal offences, whose prosecution falls with public enforcement authorities (e.g. HMRC, Health and Safety Executive, Gangmasters and Labour Abuse Authority and Employment Agencies Standards Inspectorate). Please note that these do not constitute stricto sensu remedies as they are not awarded to the claimant. However, they are considered part of the remedial framework in general. | National Minimum Wage Act 1998, s 31(1)  Health and Safety at Work Act 1974, s 33.  Blacklisting of union members (attempt to introduce criminal offences but this was rejected) |
| **Reputational remedies** | This refers to mechanisms designed to raise awareness about compliance and encourage employers to comply. Employers who fail to do so are publicly named under such mechanisms | National Minimum Wage Naming Scheme, introduced in 2011 and administered by HMRC |
| **Self-help remedies** | This refers to action taken by a person to whom a wrong has been done to protect their rights without recourse to the courts, i.e. the innocent party may withhold further performance (e.g. work) until the other side resumes performing their obligations under the contract.  Please note that the use of industrial action is included here as a self-help remedy. Industrial action is not legally recognised as a remedy in rights’ disputes of rights but is considered a “last resort” remedy in interest disputes (e.g. around pay etc.). However, it would be interesting to explore whether arguments in relation to the regulation of the right to strike itself are influenced by this framing, i.e. collective/industrial action as a remedy against labour wrongs, transgressions or violations.  A hybrid version of a self-help remedy is also the case of constructive dismissal. This is where the employer has done something that seriously breaches the employment contract, the employee might be able to resign and make a claim to an employment tribunal. | E.g. Section 44 of the Employment Rights Act states that a worker has the right not to be subjected to any detriment where they leave work, or refuse to return to work, in circumstances where the worker reasonably believes there to be ‘serious and imminent’ danger, which they could not reasonably avoid.  In common law, withholding of performance is considered in principle a breach of contract but case-law has accepted that in certain cases this is allowed (e.g. where the employer fails to pay wages timeously, the employee may decline to work until payment is made). |

### Data sources

The table below provides the links to main sources for the data.

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| **Hansard (freely accessible)** | Hansard is the official, substantially verbatim report of proceedings in both Houses of Parliament and serves as the authoritative record of parliamentary debates and is the primary source for discourse network analysis of parliamentary debates. Please note that Hansard content from 2004 to 2006 is currently unavailable on this website. It can be found at the [Commons Hansard archive](https://www.parliament.uk/business/publications/hansard/commons) or [Lords Hansard archive.](https://www.parliament.uk/business/publications/hansard/lords/) |
| **ParlaMint (freely accessible)** | This project resulted in the creation of comparable corpora of parliamentary debates of 29 European countries and autonomous regions, covering at least the period from 2015 to 2022, [ParlaMint: Comparable and Interoperable Parliamentary Corpora | CLARIN ERIC](https://www.clarin.eu/parlamint) |
| **Hansard Corpus (need to register but free)** | This Hansard corpus (or collection of texts) contains nearly every speech given in the British Parliament from 1803-2005 (about 1.6 billion words total). <https://www.english-corpora.org/hansard/> |
| **ProQuest UK Parliamentary Papers (accessible through the UoM Library website)** | <https://parlipapers-proquest-com.manchester.idm.oclc.org/parlipapers/search/basic/hcppbasicsearch> |

### Remedies – labour law reforms[[9]](#footnote-10)

The table below provides links to the legislative proceedings on some key labour law reforms in the UK (please note that the list is currently provisional and other Bills may be added). Please also note that these relate to Bills and not general debates in the Houses of Commons and Lords (with the exception of Inquiries or Reports by Committees that focus on specific issues and a couple of debates that focus on key labour issues). The list also includes in some cases Bills that did not receive Royal Assent.[[10]](#footnote-11) Ideally, it would be useful to explore whether it would be possible to supplement the analysis of Bill proceedings with ordinary Parliamentary debates. To do this, it may be useful to use keywords to pick out debates that are likely about the key topics of interest and combine this with topic models to locate debates about labour law remedies and enforcement.

The analysis is broadly based on the approach of ‘speech as content’, where the focus is on explicitly extracting substantive content or topics from parliamentary debates.[[11]](#footnote-12) The broad goal is to classify each statement as being about some politically salient topic in relation to the issue at hand, i.e. remedies in labour law, analyse how different legislators and actors differ in their underlying logic of the problems and solutions and examine the phrases associated with each of these dimensions. However, in line with the hypotheses advanced earlier, it would be also interesting to examine how much legislators speak about remedies, either explicitly or implicitly.

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| **Substantive right** | **Bills** |
| **Employment status/predictability** | *Employment Rights Bill (2024-2025):* [*Employment Rights Bill - Parliamentary Bills - UK Parliament*](https://bills.parliament.uk/bills/3737) *(not yet granted Royal Assent)*  *Employment Bill (2022-2023):* [Employment Bill - Parliamentary Bills - UK Parliament](https://bills.parliament.uk/bills/3389) (not granted Royal Assent).  *Self-employment and the gig economy, House of Commons Work and Pensions Committee:* <https://publications.parliament.uk/pa/cm201617/cmselect/cmworpen/847/847.pdf>  *Employment Status (Review) Bill (2015-2016):* [Employment Status (Review) Bill publications - Parliamentary Bills - UK Parliament](https://bills.parliament.uk/bills/1752/publications) (not granted Royal Assent)  *Temporary and Agency Workers (Equal Treatment) Bill (session 2007-2008):* <https://bills.parliament.uk/bills/224/stages/1426> (not granted Royal Assent)  *Jobs and Work* (debate in HC, 2014): [Jobs and Work - Hansard - UK Parliament](https://hansard.parliament.uk/Commons/2014-06-11/debates/14061151000001/JobsAndWork)  Zero Hours Contracts Bill (2014-2015): [Zero Hours Contracts Bill - Parliamentary Bills - UK Parliament](https://bills.parliament.uk/bills/1417) (not granted Royal Assent)  *The Labour Market: Casualisation* (debate in HL, 1995):  [The Labour Market: Casualisation - Hansard - UK Parliament](https://hansard.parliament.uk/Lords/1995-06-21/debates/cc0aadeb-e263-4011-addc-fad2f68342fa/TheLabourMarketCasualisation?highlight=%22employment%20rights%22#contribution-57214985-2b25-456a-a579-c88b8fa73c1b)  *Flexible Working* (debate in HL): [Flexible Working - Hansard - UK Parliament](https://hansard.parliament.uk/Lords/1994-01-10/debates/664e33ca-f64d-4839-8a62-dbc0461d8464/FlexibleWorking) |
| **Equality rights** | *Equality Act 2010:*  [Equality Act 2010 Stages - Parliamentary Bills - UK Parliament](https://bills.parliament.uk/bills/381/stages) |
| **Wage and hours rights** | *Employment (Allocation of Tips) Act 2023:* [Employment (Allocation of Tips) Act 2023 - Parliamentary Bills - UK Parliament](https://bills.parliament.uk/bills/3197)  *Seafarers’ Wages Act 2023:* <https://bills.parliament.uk/bills/3310/publications>  *Employment Act 2008:* [Employment Act 2008 - Parliamentary Bills - UK Parliament](https://bills.parliament.uk/bills/243)  *National Minimum Wage Act 1998* (please note that I could not locate the site that includes all the relevant debates):  ProQuest, Standing Committee D. Minutes of proceedings on the National Minimum Wage Bill: <https://parlipapers-proquest-com.manchester.idm.oclc.org/parlipapers/docview/t70.d75.1997-099538?accountid=12253>  [National Minimum Wage Bill - Hansard - UK Parliament](https://hansard.parliament.uk/Commons/1998-07-28/debates/3f7257d5-4468-46de-abad-00f1cd14d960/NationalMinimumWageBill), [The National Minimum Wage - Hansard - UK Parliament](https://hansard.parliament.uk/Lords/1998-06-18/debates/a81ab817-8195-4bfc-ac34-51178929684a/TheNationalMinimumWage), [National Minimum Wage - Hansard - UK Parliament](https://hansard.parliament.uk/Commons/1998-06-18/debates/aa29047e-1ddc-44ec-bc9c-b03d070a6f51/NationalMinimumWage), [Lords Hansard text for 11 Jun 1998 (180611-20)](https://publications.parliament.uk/pa/ld199798/ldhansrd/vo980611/text/80611-20.htm), [National Minimum Wage Bill - Hansard - UK Parliament](https://hansard.parliament.uk/lords/1998-06-11/debates/0f797c9c-2cf0-4b2b-bb0e-18c1da6f14e4/NationalMinimumWageBill), [National Minimum Wage Bill - Hansard - UK Parliament](https://hansard.parliament.uk/Lords/1998-06-15/debates/d5a7d20b-2ad8-4e8e-8d5b-14bb8866cb35/NationalMinimumWageBill?highlight=unprecedented), [National Minimum Wage Bill - Hansard - UK Parliament](https://hansard.parliament.uk/Lords/1998-06-15/debates/d5a7d20b-2ad8-4e8e-8d5b-14bb8866cb35/NationalMinimumWageBill?highlight=unprecedented), [National Minimum Wage Bill - Hansard - UK Parliament](https://hansard.parliament.uk/Lords/1998-06-22/debates/736cf44e-818b-48d0-b038-d4a0c9ed2616/NationalMinimumWageBill), [Lords Hansard text for 20 Jul 1998 (180720-04)](https://publications.parliament.uk/pa/ld199798/ldhansrd/vo980720/text/80720-04.htm), [Lords Hansard text for 11 Jun 1998 (180611-20)](https://publications.parliament.uk/pa/ld199798/ldhansrd/vo980611/text/80611-20.htm)  See also for the Hansard information on the stages:  NATIONAL MINIMUM WAGE Mrs Margaret Beckett / Lord Clinton-Davis  G) Commons: (90,123,240) 1R: 26.11.97 2R: 16.12.97 Comm (SC D): 13.1-17.2.98  Remaining stages: 9.3.98 LA: 28.7.98  Lords: (87,130,148,150) 1R: 10.3.98 2R: 23.3.98 Comm: 11,15&22.6.98 Comm: 22.6.98  Rep: 20.7.98 3R: 27.7.98 CA: 29.7.98  Royal Assent: (Cap 39, 1998): 31.7.98  [Sessional Information Digest: 1997-98: Section C1 [publications.parliament.uk]](https://urldefense.com/v3/__https:/publications.parliament.uk/pa/cm199899/cmsid/c1-10.htm*c1__;Iw!!PDiH4ENfjr2_Jw!EVfdqA7MZcxfFBXZpZ6SWrzg1QMhNj9RGxZTfkesnK06TWZ399k78h3SqF98Qw4WnttK1QXt9snj9Bz8OURjnWKtjjCdeeAvyiLvpwSG$) |
| **Dismissal/job security rights** | *Employment Rights Bill (2024-2025):* [Employment Rights Bill - Parliamentary Bills - UK Parliament](https://bills.parliament.uk/bills/3737) (not yet granted Royal Assent)  *Protection from Redundancy (Pregnancy and Family Leave) Act 2023:* <https://bills.parliament.uk/bills/3191>  *P&O Ferries 2022* (Non-inquiry session, Business, Energy and Industrial Strategy Committee): <https://committees.parliament.uk/work/6628/po-ferries/publications/>  *Employment and Trade Union Rights (Dismissal and Re-engagement) Bill (2021-2022):* <https://bills.parliament.uk/bills/2896> (not granted Royal Assent)  *Employment and Trade Union Rights (Dismissal and Re-engagement) Bill [HL]* (2023-2024): <https://bills.parliament.uk/bills/3516> (not granted Royal Assent)  *Employment and Trade Union Rights (Dismissal and Re-engagement) Bill [HL] (2023-2024):* <https://bills.parliament.uk/bills/3516> (not granted Royal Assent)[[12]](#footnote-13)  *The future world of work and rights of workers inquiry 2017:* <https://committees.parliament.uk/work/6243/the-future-world-of-work-and-rights-of-workers-inquiry/>  *Enterprise and Regulatory Reform Act 2013:* <https://bills.parliament.uk/bills/1011>  *EMPLOYMENT RIGHTS [HL] Lord Chancellor / Attorney General (Government)*   |  |  | | --- | --- | |  | B) Lords: (25) 1R: 9.1 2R: 16.1 Jt Cttee: 17.1 OCD: 4.3 3R: 16.5 | |  | Commons: (134) 1R: 16.5 All stages: 21.5\* | |  | Royal Assent (cap 18, 1996): 22.5 |   *Employment Rights* (1996 debate): [Employment Rights - Hansard - UK Parliament](https://hansard.parliament.uk/commons/1996-03-18/debates/031d9dfa-87ba-4212-bd77-0e09ae4fc7d2/EmploymentRights)  *Terms And Conditions Of Employment* (debate 1996): [Terms And Conditions Of Employment - Hansard - UK Parliament](https://hansard.parliament.uk/Commons/1996-02-06/debates/6c7e434e-e3c2-44c2-83e0-66764088c1ae/TermsAndConditionsOfEmployment?highlight=%22employment%20rights%22#contribution-6074985e-db07-4f39-b1f1-d177c554e4ad) |
| **Industrial action** | *Strikes (Minimum Service Levels) Act 2023:* [Strikes (Minimum Service Levels) Act 2023 Stages - Parliamentary Bills - UK Parliament](https://bills.parliament.uk/bills/3396/stages)  *Trade Union Act 2016:* [Trade Union Act 2016 - Parliamentary Bills - UK Parliament](https://bills.parliament.uk/bills/1685)  *Code Of Practice On Industrial Action Ballots And Notice To Employers 1995*: <https://hansard.parliament.uk/Lords/1995-06-29/debates/2b1e38ab-33a4-4675-b0ae-cb4c71df8290/CodeOfPracticeOnIndustrialActionBallotsAndNoticeToEmployers1995?highlight=%22employment%20rights%22#contribution-d79217c0-616e-4df5-9393-dc4ebaaab4ff>  *Trade Union and Labour Relations (Consolidation) Act 1992*: <https://parlipapers-proquest-com.manchester.idm.oclc.org/parlipapers/docview/t70.d75.1991-090175?accountid=12253>  19.05.92 HL Bill 9 Presented by the Lord Chancellor  02.06.92 537 c823 \*Second reading  04.06.92 537 c1028 Order of commitment discharged  11.06.92 537 c1365 \*Third reading  11.06.92 Bill 35 Brought from the Lords  14.07.92 211 c1079 \*Remaining stages  16.07.92 Cap 52 Royal Assent |

### Actor types

Please note that in this case, non-parliamentary actors are involved in some instances, including in the cases of Committee proceedings for the adoption of Bills and Committee inquiries.

#### Persons

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| **Person type** | **Definition** | **Example** | **Colour code** |
| National government official | An official of a states’ government or governmental organisation such as a ministry | UK Prime Minister, UK Labour Minister,  Junior Ministers, Government backbenchers, Government whips |  |
| Opposition representative | A parliamentary representative of the opposition parties | Shadow Cabinet Ministers, Opposition spokespersons, Opposition backbenchers, Opposition whips |  |
| Sub-national government official | An official of a sub-national governmental organisation, ministry or agency | Mayor of London |  |
| Company employee | An employee of a private corporation or company | CEO at Shell |  |
| Intergovernmental organisation official | An official working at an intergovernmental organisation (not independent consultant) | UN official |  |
| NGO official | An employee working for a non-governmental, non-profit organisation | Chair of Fawcett Society |  |
| National political party official | An employee or representative of a national political party | Party leader of the Conservative Party, Member of UK Parliament |  |
| Faith-based organisation official | An official or representative of a faith-based organisation | Archbishop of Canterbury |  |
| Researcher | An employee working for an academic institute such as a university | A researcher at University of Manchester, a legal scholar at University of Cambridge |  |
| Supranational organisation official | An official of a supranational organisation | EU Commissioner, Member of European Parliament, European Council President |  |
| Public agencies’ official | An official of a public agency that is responsible for issues of labour regulation | ACAS (Advisory, Conciliation and Arbitration Service), Equality and Human Rights Commission, CAC (Central Arbitration Committee), Health and Safety Executive, HMRC |  |
| Judicial official | An official of a judicial institution or body | Supreme Court Judge, Employment Tribunal/Appeal Judge, |  |
| Trade unionist | A staff or representative of a trade union | UCU representative |  |
| Employers’ association | An employee or representative of an employers’ association | Representative of CBI |  |
| Professionals’ association | An employee or representative of a professional association | Director of CIPD, President of the Law Society |  |

#### Organizations

|  |  |  |  |
| --- | --- | --- | --- |
| **Organisation type** | **Definition** | **Includes** | **Colour code** |
| Academia and school | Academia includes all actors that offer vocational (secondary) or tertiary education. | Universities;  nursing schools; vocational schools; schools |  |
| Business and national financial institution | Business refers to corporate and for-profit actors including financial institutes that neither contribute to philanthropy nor form part of civil society. | Technology companies, insurers, banks |  |
| Faith-based organisation | A faith-based organisation is defined through its deep connection to faith and/or beliefs that constitute the actor’s foundation and core motivation. | Churches; religious associations, services; NGOs |  |
| International organisation | An IGO is an entity composed of at least two (or more) sovereign member states (nation states) or other IGOs constituted by formal treaties, common interests, or international law. | Global, cultural, regional, historic, and economic organisations |  |
| Judicial body | The judicial body refers to all actors representing sub-national, national, international, and supranational jurisdiction as well as the justice system. | Supra-national, national, sub-national, and international courts |  |
| Public agencies | Public organisations that are tasked, among others, to deal with the public enforcement of labour law. | Health and Safety Executive, HMRC National Minimum Wage enforcement team, Equality and Human Rights Commission (EHRC), Gangmasters and Labour Abuse Authority (GLAA) |  |
| National government | The category "national government" covers all individual political actors and political entities that constitute the executive or legislative power. | Prime ministers; presidents; chancellors; ministries; federal agencies and associations |  |
| NGO | An NGO is an independent organisation not legitimised by a public or national mandate. It acts at the sub-national, national, or international level. | Non-profit organisations and groups; civil society; activists |  |
| Non-academic research | Non-academic research applies to any research endeavour or institute that is not directly tied to vocational (secondary) or tertiary education. | Think tanks; non-academic research networks and collaborations |  |
| Political party | Political parties operate at the sub-national, national, international, and supranational levels. They do not necessarily represent the national government's position, but rather an independent opinion as a political group, although they can be members of both the opposition and the government. | Sub-national, national, and international parties in- and outside of parliaments; recognised political groups and associations |  |
| Regional governmental organisation | The sub-national government covers all individual political actors and political entities that operate below the national level and constitute the sub-national executive or legislative power. | Local and regional agencies; mayors |  |
| Supranational organisation | Supranational organisations are actors to which the sovereign member states have delegated a part of their sovereign rights with the objective of creating supranational legislation and policies that serve the common good rather than the individual nation state. | European Commission, ILO, Council of Europe |  |
| Trade union | A trade union is an interest group formed by workers in a specific industry that seeks to represent, strengthen, and enforce their social and economic rights. | Sub-national, national, and international trade unions; employee associations |  |
| Employers’ associations | These are associations representing employers either at national general level (e.g. CBI) or in respect of specific sectors (e.g. Local Government Association, Federation of Small and Medium Enterprises) | Sub-national, national and international (e.g. IOE) employer associations |  |
| Professional associations | These represent the interests of professionals involved in the management of labour law disputes (e.g. CIPD, Law Society, Employment Lawyers’ Association) | National or regional level |  |

### Concept attributes

These attributes are coded at the concept level. Each concept is already paired with certain attributes, as can be seen in the previous tables. Please see what these attributes stand for below. When you select a concept, please make the necessary entries in the bottom pane of DNA.

### Attribute 1

We code this attribute in the RIGHT box in the bottom pane of DNA. This attribute is about the specific labour standards that the proposed problem/solution is related to: the area where action needs to take place, not who should do it. This is interesting to see the how problems and solutions are defined/proposed vis-à-vis specific standards or rights. At a more general level, this is good to capture potential similarities and differences in the legal/institutional design of remedial rules and institutions.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Problem/Solution** | **Definition** | **Example** | **Alias box** | **Colour code** |
| **Employment status/predictability** | This refers primarily to issues of misclassification (e.g. self-employed instead of worker or employee).  Please also note that this also includes the case of unpredictable work arrangements, i.e. insecure/casual workers, e.g. those on Zero-Hours Contracts, whose hours of work are not pre-determined, agency workers and those that provide app-based work or on-demand services (i.e. gig economy). | Agreement examples:  We will consult on a simpler framework that differentiates between workers and the genuinely self-employed, ensuring that all workers know their rights and have the comfort of protection at work. | STATUS |  |
| **Equality/discrimination** | This relates to the remedial framework concerning equality in the workplace. | Agreement examples:  The Plan to Make Work Pay will make the right to equal pay effective by putting in place measures to ensure that outsourcing of services can no longer be used by employers to avoid paying equal pay, and we will implement a regulatory and enforcement unit for equal pay. | EQUAL |  |
| **Wages and hours** | This relates to (non-) compliance, remedies and enforcement of wage-related labour protections, e.g. under-payment of National Minimum Wage and Working Time Regulations, unpaid working time and calculation of holiday pay. | Agreement examples:  The Plan to Make Work Pay will also put more money into the pockets of the UK’s lowest paid workers through changes to Minimum Wage. | WAGES |  |
| **Dismissal/job security rights** | This includes the remedial dimensions connected to dismissal rights (e.g. caps on compensation, re-instatement, eligibility for claiming protection against rights) | Agreement examples:  This includes making unfair dismissal protection a right from day 1 for all employees, while legislating to introduce fair and proportionate processes for dismissal in initial periods of employment. | SECURITY |  |
| **Industrial action** | This relates to the remedies available in relation to industrial action (e.g. strike, action short of strike) (Argument 1)  It also relates to the use of industrial action as a means to remedy violations or wrongs (Argument 2) | Agreement examples:  The bill repeals the ineffective and ideological anti-union legislation… legislation that failed to prevent a single day of industrial action while in force (Argument 1)  The Government should recognise that, when faced with the threat of fire and rehire or replacement, workers must be able to respond quickly and exercise their democratic rights to withdraw their labour (Argument 2) | STRIKE |  |
| **General** | This category should be used when the discussion does not explicitly identify a specific set of rights, duties or standards in labour law. |  |  |  |

### Attribute 2[[13]](#footnote-14)

We code this attribute in the CONCEPT box in the bottom pane of DNA. This attribute is about the framing of the claims, i.e. the ways in which the claims are defined, evaluated, and interpreted by the actors, when it is explicitly mentioned in the claim, or there is enough information provided that it can be discerned.

Statements may refer to the way in which the actors evaluate the situation, the type of causes of the evaluated situation (bargaining inequality, limited access to tribunals, immoral conduct by parties to the employment relationship etc.) and the proposed solution of the particular aspect of the assessed situation (e.g. better enforcement, more adequate remedies and clear delineation of existing or creation of new legal duties).[[14]](#footnote-15)

We include here claims both in relation to the core issues (e.g. compliance, justice, economic, moral etc. outlined below) and instruments (e.g. litigation, out-of-court settlement and other forms of remedial action, as detailed above in the Table on remedies).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Compliance** | Agreement relates to the need to address systemic problems of non-compliance or inadequate compliance with existing labour standards.  Disagreements will usually revolve around the extent to which there is a systematic challenge of non-compliance. | Agreement examples:  The body will take a balanced approach to upholding workers’ rights, with better support for the majority of employers who want to comply with the law, and tough action against the minority who deliberately flout it.  Agreement example: Strengthening the employment rights framework will tackle the undercutting that good employers currently face when trying to do the right thing.  Disagreement Examples:  “It is an unacceptable practice, and a good employer would not resort to it. But on quantum, the poll in the ACAS document shows that less than 3% of HR professionals reported this.”  “So much attention has been drawn to this appalling behaviour because it is very unusual. I was an employer for 30 years, and most employers would never have considered not carrying out the requirements around consulting the workforce.” | COMPL |  |
| **Deterrence** | Agreement refers to the principle of promoting deterrence from committing future violations.  Disagreements may include arguments against deterrence measures, especially if these relate to punitive sanctions for the offending party. | Agreement example:  We need good enforcement, a powerful agency that knows what it is doing and has a clear remit, and the right deterrents. | DETER |  |
| **Economic wrongs** | Agreement refers to welfare reductions or negative effects on a person’s economic well-being. They may be factual, i.e. they describe the effects of certain actions or inactions, or normative, i.e. they describe these as wrongs that require redress.  Disagreements may relate to arguments around the lack of economic wrong on behalf of the offending party. | Agreement example:  One of the risks with impact assessments carried out by the Government—we hope that the Government will look at this—is that often they capture quantitative data but do not look at the qualitative data. Where is the harm and what needs to be addressed? We know that in hospitality, for example, one of the big issues our members face is a lack of security or certainty over hours. The costs of childcare for hospitality workers are huge, and the inability to pay rents or even dream of saving for a mortgage is a very significant problem. | ECONOMIC |  |
| **Physical and psychological wrongs** | Agreement refers to wrongs regarding interests, reductions or negative effects on a person’s physical well-being (e.g. injuries) or psychological well-being (e.g. in the case of harassment–related trauma). They may be factual, i.e. they describe the effects of certain actions or inactions, or normative, i.e. they describe these as wrongs than require redress.  Disagreements may relate to arguments around the lack of physical or psychological harm or wrong on behalf of the offending party. | Agreement example: We would consider it essential that employers’ responsibility to take reasonable steps to prevent harassment includes third parties, because as a victim, it is not relevant that the person was not a direct co-employee. What matters is the harm experienced.  Agreement example: As we have heard, and we have seen in our constituencies, many of those workers worked through the pandemic, risking their own lives and risking infection, putting themselves in harm’s way, because they did not have a fallback—they did not have statutory sick pay. | PHYSICAL |  |
| **Relational wrongs** | Agreement refers to wrongs or harms to interests, reductions or negative effects on the relationship and expectations of the parties to an employment relationship, e.g. harms arising from violations of job security, duties of mutual trust and interest or procedural fairness expectations).  Disagreements may relate to arguments around the lack of relational harm or wrong on behalf of the offending party. | Agreement example: collaborative working relationships are dependent on both sides. Too often—we have experienced this in recent years—employers have resorted to hard strong-arm tactics such as fire and rehire, sacking workforces and driving up casualisation in the workplace. That increases insecurity and damages morale in the workplace.  Agreement example: Many carers face workplace marginalisation and are penalised for their responsibilities.  Agreement example: Our general secretary said at the time that, until fire and rehire is outlawed, no worker is safe from the harms that it can cause. | RELATE |  |
| **Law-based wrongs** | Agreement refers to behaviours that threaten to or violate existing rights or duties. These infringements are typically binary (something is violated or not) and can occur without harm.  Disagreements may relate to arguments around the lack of unlawful behaviour on behalf of the offending party. | Agreement examples:  What P&O did was illegal. It was not fire and rehire but dismiss and replace. It would remain illegal whether or not the code had been in place, and P&O has received considerable censure as a result. | LEGAL |  |
| **Justice-based wrongs** | Agreement refers to behaviour that violate broader principles of dignity, fairness and equality and justice in the workplace.  Disagreements may relate to arguments around the lack of moral reasons for the finding of wrong on behalf of the offending party. | Agreement example: What is required is not just a more dissuasive remedy but one which prevents the unlawful situation, or at least restores the situation to lawfulness, so far as it can be restored. | JUST |  |
| **Autonomy-based wrongs** | Agreement refers to behaviour that unjustifiably interferes with the individual’s choice and self-determination (e.g. Non-Disclosure Agreements that do not permit legal claims for violations of the employment contract or coercive/retaliatory actions that directly interfere with individual choices concerning industrial action or unionisation).  Disagreements may relate to arguments around the lack of harm or wrong on the autonomy of the parties, e.g. by claiming managerial prerogative powers or the freedom to contract or freedom of expression. | Agreement example:  They have been given 13 weeks’ pay in lieu of notice—they haven’t been given it; it is in the document—and a 13-week compensatory award to buy off the tribunal case. If they don’t sign it, they would have to take the statutory minimum awarded by the Government at capped rates, so it is blackmail, in our view.  Disagreement example: Clause 20 extends employers’ liability for the non-sexual harassment of their employees by third parties, and I fear that that will have a chilling effect on free speech. | AUTONOMY |  |
| **Power-based wrongs** | Agreement relates to statements that point to general patterns of structural exploitation and inequality, labour abuses, precarious/vulnerable workers that are attributed to power imbalances or structural forms of injustices.  Disagreements may argue that any power imbalances must be corrected by the market and not legislation. | Agreement example:  What safeguards will there be to ensure that the power is not abused, in order to avoid a guaranteed-hours contract? I am sure that, in the spirit of the Bill, we want to ensure that that is tightened. There is nothing in the Bill for that, either.    Agreement example: But as trade unions—as representatives of the workers —we have got to have the power to intervene where we know employers are breaking the law. That is a real shortcoming. The power is all with the employers. They can injunct me personally. They can injunct my trade union. They can close us down for making clerical errors on ballots—just misnaming or misbranding the grades in a dispute—and they will do it if they get any chance.  Disagreement example: The clause that the amendment seeks to amend is based on the flawed assumption that employers will exploit their employees and that all the power in the relationship lies with the employer. There is no doubt that some do, but the Opposition do not hold the presumption that all will. Those that do should be challenged, but the vast majority do not seek to exploit their employees.  Disagreement example: Additional regulations could well tip this balance too far, ultimately harming the very workers who the Bill seeks to protect. | POWER |  |
| **Rights and duties** | Agreement refers to support for the introduction or amendment of existing substantive rights or duties applicable in an employment relation.  Disagreements may arise regarding the need to amend existing legislation or introduce new rights or duties on the basis of different rationales (e.g. economic, evidence of compliance etc.) or alternative measures that are proposed. | Agreement example:  The truth is that guidelines are not going to change the practice of such managers. Only by putting good practice into statute will companies be prevented from bullying their workforce by using the threat of fire and rehire, and only if those tactics are outlawed will good companies not feel the competitive pressure to behave just as badly.  Disagreement example: The Government are taking action to ensure that this practice is a last resort. We are not banning it outright. | RIGHTS |  |
| **Access to justice** | Agreement refers to support for the existence of barriers to remedies, in terms of procedural complexity, cost of pursuing claims and time limitations, among others.  Disagreements will point to lack of willingness of claimants, among others. | Agreement example:  The only thing I would add is that when women experience sexual harassment or any form of discrimination and want to access justice, the justice system is currently failing them—it is not working.  Agreement example: Under successive Conservative Governments, access to justice for workers was weakened. Tribunal fees made it harder for workers to hold bad employers to account. | ACCESS |  |
| **Replicative remedies** | This refers to support for remedies which require the defendant to do what they were originally supposed to do, e.g. orders to pay money owned in the case of unlawful deductions of wages, injunctions to stop the threat of violations and orders for specific performance.  Disagreements may relate to lack of feasibility of such remedies to be provided to successful claimants or to the effectiveness of the currently available ones. | Agreement example: One of the things we would like to see is the power for trade unions to get redress—injunctive power—against people like P&O, which was never considered.  Disagreement example: Interim relief can take time, and I am not convinced that tribunals will have the power and the kudos to achieve it. | REPLIC |  |
| **Creative remedies** | This refers to the need to introduce or improve existing remedies that respond to the infringement of a substantive right or to an injustice (i.e. non-compensatory damages awards, compensatory damages, aggravated/exemplary damages).  Disagreements may relate to the punitive elements of such remedies. | Agreement example: To give a few examples, we have previously supported the idea that it is wrong that you should turn up for work expecting an eight-hour shift, be sent home after two hours and only be paid for two hours. There should be a right for compensation there. | CREATE |  |
| **Adequacy of remedies** | This refers to the effectiveness of remedies, e.g. scope to enforce reinstatement orders in unfair dismissal cases, limitations of compensation-only remedies and/or complete lack of remedies (e.g. for whistleblowers that are discriminated in job applications).  Statements that agree will focus on the inadequate regulation of remedies as they stand.  Statements that disagree with point out that the current remedial framework is adequate for the purpose of protecting the injured party. | Agreement example: However, there are questions that the amendment does not address, particularly given how our current employment law framework is structured, because a lot of the people it covers are not in an employment relationship or a worker relationship. The remedies are based on detrimental treatment and on dismissal, but a lot of those to whom she seeks to extend protection are people who by definition cannot be dismissed, because they are not employees or workers. | ADEQ |  |
| **Balancing** | Agreements will refer to the need to balance competing interests in the employment relationship (i.e. between the employer and employee/worker). | Agreement example:  The Employment Rights Bill reforms the law to provide effective remedies to stop these practices, while also maintaining that businesses can restructure to remain viable, preserve their workforce and the company when there is genuinely no alternative.  Agreement example: Having structure during the probation period is good, but businesses need to be able to end the relationship on the basis of ability or performance, as we do now. There should be no greater risk to an employer of an employment tribunal than there is currently during the probation period.  Disagreement example: This Bill modestly—we Greens would still say inadequately—seeks to rebalance the power of workers and employers. | BALANC |  |
| **Comparison** | This refers to references to policies or practices in other systems as comparators for the purpose of introducing or extending labour rights or standards. | Agreement:  My hon. Friend may know that in Germany workers are much better protected from being fired and that productivity Toggle showing location in Germany grew between 2015 to 2020 at twice the level it has in the United Kingdom. Does he therefore agree that, given the option of either firing someone or increasing their training, productivity and technology, Germany chooses to train people and raise productivity and Britain, if we allow this to go on, will choose to sack people and reduce productivity? So it is imperative to increased productivity that this is agreed.  Agreement example: Other countries—New Zealand, Italy, France, Germany and many more—banned exploitative zero-hours contracts long ago, but the UK did not.  Disagreement example: On the point made by the hon. Member for Swansea West (Geraint Davies), German productivity is high but that is because they cross-train and upskill their workers across different fields. That is why we are investing heavily in skills and uptraining for the future. | COMPAR |  |
| **Economic considerations** | This relates to the idea that regulating remedies and enforcement in labour law help ensure economic prosperity (e.g. competitiveness, employee retention, redistribution) and labour market mobility at the macro level (i.e. distinct from the category of economic wrongs discussed above).  The advantages can be at different levels, including national and company/sector. | Agreement examples: From an economic point of view, we would be interested not so much in the private cost, but in the impact on the economy as a whole. Do these laws interfere with the way markets work? Are they going to lead to unacceptable costs, or will they produce countervailing benefits?  Disagreement example:  The Bill is contrary to the Government’s stated goals of improving productivity and economic growth and will increase costs for businesses and consumers.  Anecdotally, some concern has been expressed by our members about the competitiveness of the UK when it comes to manufacturing and the measures in the Bill. There is a concern from member companies that might be headquartered elsewhere or have significant operations in countries outside the UK that it is becoming harder, more expensive and more challenging to employ people in the UK. | ECONOMIC |  |
| **Political considerations** | This relates to the role of political orientation in prioritising more effective labour standards, including in respect of remedies. | Agreement example:  I am deeply hurt that the Minister will not take our new clause seriously. It is part of debate in this place, and our job as the Opposition, to test the boundaries of Government legislation. The new clause has exposed a double standard within the Labour Government’s approach to working practices, in that they seek to exempt trade unions but not employers.  Disagreement example:  Workers’ rights are not a priority for this, or indeed any, Westminster Government. Despite committing to an employment Bill on at least 20 occasions so far, Ministers have shelved the legislation at each and every turn. Five years on from the Taylor review, we are yet to see action from the UK Government on improving workers’ rights. The omission of the long-anticipated employment Bill from the Queen’s Speech was yet another missed opportunity. | POLIT |  |
| **Judicial system** | This refers to the remit and capacity of judicial institutions to deal with remedial issues. | Disagreement examples:  Significant additional claims would also create unwelcome additional work for the tribunal system. | COURTS |  |
| **Public enforcement** | This refers to the remit and capacity of public enforcement institutions to deal with remedial issues. | Agreement examples:  Spending on enforcement of the national minimum wage and the national living wage next year will be more than double what it was in the last year of the Labour Government.  Agreement example: That is a very helpful intervention, because it draws me on to my final point. There is a distinction between what rights there are and what rights are enforced. We have seen from the discussion around the fair work agency and the Gangmasters and Labour Abuse Authority that the issue is that rights are not enforced. The good part of this Bill is that it sets up a fair work agency that will look at enforcement.  Disagreement example: The Equality Act actually gives the same powers as Clause 114, under which legal assistance can be provided, including advice, representation and other forms of assistance, but not the situation where the fair work agency could take a case on behalf of a worker, or somebody who has applied for a job and is not even a worker. | ENFORCE |  |
| **Alternative dispute resolution** | This refers to the practice of alternative dispute resolution mechanisms.  This includes settlement agreements through, for example, ACAS, to settle a potential tribunal claim or other court proceedings. | Agreement examples:  Our research found that 435,293 mothers had been gagged by non-disclosure agreements when experiencing some form of discrimination. It is a serious problem. Again, we do not know what is happening in companies across the country. Women tend to experience this form of discrimination and are then forced to sign these agreements and are given a low amount of compensation. They suffer mental health consequences because of that.  My understanding is that our members have got what are called “settlement agreements” that have non-disclosure in them…Everybody is saying that this is so generous, but that is under the level that we negotiate on the railway and at many other companies.  Disagreement example:  Significant additional claims would also create unwelcome additional work for ACAS.  It goes without saying that a worker may want to settle a dispute and receive the confidentiality protections associated with a settlement agreement to avoid going through an employment tribunal, which can be a distressing experience in itself. Having a non-disclosure agreement can also increase the value of such an agreement, depending how negotiations go. | ADR |  |
| **Collective regulation** | This relates to the role of social partners, i.e. employers/employers’ associations and trade union/worker representatives in resolving labour rights’ disputes (e.g. through internal grievance handling, agreements with unions/workers’ representatives or representation of claimants) | Agreement examples:  The Bill is more ambitious than that, because it rightly recognises that the most powerful force to hold bad employers to account—and to uphold workplace legal rights—is effective trade unionism.  Of course, individual rights need effective collective enforcement. That is why it is so important that the Bill strengthens rights to organise and be represented by a trade union.  Disagreement examples:  Trade union officials often act as the censorious enforcers of HR departments’ equality, diversity and inclusion policies—policing their members’ speech rather than protecting their rights. | COLLECT |  |

### Case-specific coding guidelines

**Coding should be done in chronological order**, from the earliest debate to the latest ones, not sorted by source. This will help coders better understand the debate and enhance the attribution of statements to concept categories.

**Organisations that are affiliated with national or sub-national governments should be coded** as Government of X (e.g., Government of the UK) spelling both the organisational description and the country with capital letters. Similarly, for ministries we would use Ministry of Labour (Government of x).

**Concepts should be coded in DNA as they are written in this codebook,** as whole sentences starting with a capital letter and ending in a period.

**Names should be coded in DNA starting with the last name(s) followed by a comma and the organisation/institution,** e.g., “Hendy, House of Lords (HL)”.

**The entire sentence or part of the sentence** which entails the core argument of the coded concept should be highlighted and marked when coding a statement.

**Annotations** in a DNA document, for example to highlight a false positive or a question, should be created on the first two words in a debate, so that other coders can spot it easily.

**In terms of the geographical scope, we do code when there is explicit mention of implications for UK labour law, here is an example:**

* *“Brexit it likely to cause one of the biggest upsets to UK employment law and this is a worry for all, but in particular, workers. The CJEU has often, though not always, interpreted Directives in favour of workers bringing claims and has created some powerful and important case law in the process. It is very concerning what might happen post-29 March – this is a complex situation and unfortunately there is not a simple solution,”* said Paul McFarlane (chair of ELA’s Legislative & Policy Committee).

**We do *not* code if it is a completely unrelated situation, with no links to the UK.** Here is an example:

* “Our assessment is that the amount allocated for the BAR is insufficient to face the challenges of job and income losses in the EU because of Brexit and we would call strongly for an increase in the fund allocation, guarantees that the money reaches workers and not just companies, and to flank it with SURE-like support for employment.” (ETUC statement)

**We do not code statements on individual instances of disputes or claims.** Here are some examples:

* *A man has been awarded compensation after hospital managers described him as a "wasp" that needed "swatting".*
* *An ambulance trust has been ordered to give £6,000 to a paramedic, after an employment tribunal ruled he had been underpaid.*

**We do not code statements on general sentiments**. Here is an example:

* *A lot of the holes in governance and elsewhere that existed in the past, I think a lot of those have been resolved. But one of the things you learn is never to be complacent (CBI Director).*

**We do not code statements by journalists or reporters, investigative journalism reports, or statements by media outlets**.

Here is an example for what not to code:

* Temper Works, which supplies workers to more than 5,000 companies, including Hard Rock Cafe, Alexandra Palace and Claridge’s, is promoting its workforce to restaurants, hotels and bars on the basis that “they are not covered by the provisions of the new [tipping] legislation”.

**For coding statements by lawyers, the following guidelines apply:**

* Code lawyers either as researchers (if affiliated with a university), or as NGO officials (if speaking on behalf of a non-profit association or commission), or as judicial officials (if speaking on behalf of a judicial body such as a supreme court or public prosecution).
* If no affiliation is mentioned in the articles, please google the person to check the affiliation at the time.
* Do not code if no affiliation is traceable, or if the only affiliation is a law firm.

**We do not code statements that mention court sentences, verdicts or rulings unless it is a statement or constitutional court that provides a decision or direction on policy. Also, we code policy proposals or problem definitions voiced by courts.**

Here is an example for what not to code:

* " In an employment tribunal judgment that raises further questions about regional stereotypes, a judge has suggested that swearing in the workplace is particularly common in the north.”

Here is an example for what to code:

* “Blow to gig economy workers after UK supreme court rules against collective bargaining rights. Top court says riders were self-employed contractors and do not have a right to collective negotiations on pay and conditions.”

**We do code participants who speak at fora or conferences on behalf of their affiliated organisation (e.g. an NGO, IO, government, business etc.). However, we do not code individuals or groups of participants in such events or discussions who do not have a formal organisational affiliation.**

Here is an example for what to code:

* “Meeting at the Trades Union Congress’s annual meeting in Liverpool, delegates unanimously agreed to seek to resist the new law, which allows public sector employers to establish “minimum service levels” on strike days. That’s what we have to do – that’s the message,” the RMT leader, Mick Lynch, told union activists at the conference. “We are a fighting union movement and we are going to turn this legislation over.”

**We do not code observations of a policy act but instead the policy statement**. Here is an example:

* Downing Street on Monday said train operators “should be ready to use [MSLs] to reduce the impact of strikes on passengers – it’s obviously something that we and the public expect to be used.” Instead, we would code the following:

“But the prime minister’s spokesperson added: “It is still for the individual employers to decide – it’s down to them to manage their business effectively.”

**We are looking for policy statements that relate to: problem definition, causal interpretation, moral evaluation and/or treatment recommendation (Entman 1993).**

Statements on what the problem is (problem concept), what the solution is (solution concept), why there is a problem or why the solution is necessary (problem/solution concept), and on the moral nature of the issue (problem/solution concept).

**Example of agreement/disagreement with a problem definition (problem concepts):**

* *“My Lords, what is the assessment of the Minister’s department of how much compensation would have been received if the proposed guidance had been in force when P&O sacked hundreds of its employees? As another noble Lord said, 25% of nothing is nothing; it is all smoke and mirrors.”* (Agreement with problem concept on ‘The situation is creating, exacerbating or illuminating failures in compliance’)
* *“I thank the noble Lord for his follow-up question. The UK labour market is strong by historical and international standards. In fact, in all employment law we are trying to get the balance right between workers’ protection and employers’ Toggle showing location of flexibility. The employment rate is at 75% right now, and wages have gone up by just short of 8% in the last year, so we think we have the balance right. The Government are taking action to ensure that this practice is a last resort. We are not banning it outright. In the code, we have measures whereby employees’ compensation in certain circumstances, as the noble Lord alluded to, can be increased by 25% if the employer has unreasonably failed to comply with the code, which is quite a big disincentive for the employer. But we believe that there are certain circumstances in which flexibility is required, so we are seeking to get the balance right* (Disagreement with the problem concept).

**Example of agreement/disagreement with a treatment recommendation (solution concepts):**

* *Agreement: My Lords, earlier this year the Government consulted on a new statutory code of practice on fire and rehire. We are currently analysing responses to that consultation. A government response and the final version of the code will be published in spring next year. The code sets out employers’ responsibilities when seeking to change contractual terms and conditions of employment and seeks to ensure that dismissal and re-engagement is used only as a last resort.*
* *Disagreement: “The code of practice as published is toothless, unfortunately. It contains no legal obligations on employers and adds only 25% to any compensation, no matter how small it may be—that is no solution. As we all know, what is needed is legislation—as there was in Australia this week—to end the scandal of fire and rehire; most decent people in this place and across the country support that view. When the Bill was proposed in the other place, the Government disappointingly ordered an unprecedented Friday three-line Whip and gerrymandered to filibuster and therefore embarrass a proper vote.”*

**Example of causal interpretation (could be related to problem or solution concepts):**

This is exactly why flexibility is required, because certain changes of circumstances require the workers and managers of a company to get together with the trade unions and the directors to solve the problem through consultation and consensus, and that is generally what happens in the UK. (Agreement with the solution concept on ‘Collective regulation.’)

**Example of moral evaluation (could be related to problem or solution concepts):**

“The Bill is about levelling up and stopping the practice whereby, at the moment, many hundreds of thousands of workers in this country are seeing their wages levelled down, which is why it is so important that we get legislation. I have set out that there is a problem of morality and economics. (Agreement with the solution concept on ‘Moral reasons.’).

**In order to reflect when organisations merge into others or get renamed, we keep the final / current naming of an organisation and apply it to earlier versions of it as well. This is aimed at avoiding duplicate entries in the database, and enabling us to show continuity and change of the frames used by an organisation.**

1. For an overview regarding the neglect of legislative studies in legal scholarship, see Voermans, W. (2019). In the Law We Trust. Some Thoughts on the ‘Legislative Gap’ in Legal Studies. In: Oliver-Lalana, A. (eds) Conceptions and Misconceptions of Legislation. Legisprudence Library, vol 5. Springer, Cham. <https://doi.org/10.1007/978-3-030-12068-9_12>. See also Oliver-Lalana, A.D. (2024). Legislative Debates in Parliament as a Source of Statutory Justification: A Framework for Analysis and Evaluation. In: Oliver-Lalana, A.D. (eds) Debating Laws. Legisprudence Library, vol 10. Springer, Cham. https://doi.org/10.1007/978-3-031-46727-1\_1 [↑](#footnote-ref-2)
2. See here for an example of research measuring conflict in legislative debates: Proksch, S.-O., Lowe, W., Wäckerle, J. and Soroka, S. (2019), Multilingual Sentiment Analysis: A New Approach to Measuring Conflict in Legislative Speeches. Legislative Studies Quarterly, 44: 97-131. https://doi.org/10.1111/lsq.12218 [↑](#footnote-ref-3)
3. For a recent overview of methodological approaches to parliamentary speech, see Goplerud, Max. 2022. "Methods for Analyzing Parliamentary Debates" and (with David A. Gelman) "Legislative Debates in the US Congress" in The Politics of Legislative Debates, (eds.) Hanna Bäck, Marc Debus, and Jorge Fernandes. Oxford University Press. [↑](#footnote-ref-4)
4. See also Atienza, M. (2019). Legislation and Argumentation: Towards a Model for the Analysis of Legislative Reasoning. In: Oliver-Lalana, A. (eds) Conceptions and Misconceptions of Legislation. Legisprudence Library, vol 5. Springer, Cham. https://doi.org/10.1007/978-3-030-12068-9\_8; Lorenz, A., Anders, L.H., Müller, D., Němec, J. (2024). Context-Sensitive Mapping of Rule of Law Narratives. Sources and Methods. In: Narrating the Rule of Law. The Future of Europe. Springer, Cham. <https://doi.org/10.1007/978-3-031-66332-1_4>; Schwalbach, J. (2024). Mind the context! The role of theoretical concepts for analyzing legislative text data. Research & Politics, 11(3). <https://doi.org/10.1177/20531680241277466>. [↑](#footnote-ref-5)
5. In this context, the parts of the law governing defences (e.g. limitation periods, formalities, immunity, statutory non-actionability, abuse of process, res judicata and illegality) as well as the procedural dimensions of access to justice (e.g. burden of proof, legal representation, enforcement of remedial orders) will be examined as these have the effect of preventing individuals from bringing actions. [↑](#footnote-ref-6)
6. Dagan, Hanoch, Remedies, Rights, and Properties (December 1, 2010). Journal of Tort Law, 2011, Available at SSRN: <https://ssrn.com/abstract=1718521>. [↑](#footnote-ref-7)
7. Please note that Parliament can either approve or reject an SI, but cannot amend it. [↑](#footnote-ref-8)
8. For examples, see <https://www.stammeringlaw.org.uk/employment/resolving-employment-disputes/employment-remedies/#recommendations>. [↑](#footnote-ref-9)
9. Some of these laws may relate to more than one substantive rights. For a timeline of the different labour law reforms in the UK, see <https://www.ier.org.uk/a-chronology-of-labour-law-1979-2023/>. Please note in political discourse, remedies are sometimes used in the wide sense, i.e. as cure to ills or other challenges. However, for the purposes of this project we are only focusing on the notion of remedies or associated concepts, as defined in the legal system. [↑](#footnote-ref-10)
10. Please also note that this list is not complete, as some of the Bill debates are not available or easily searchable on the Hansard website and the other databases. The Hansard helpdesk provided this link that provides an overview of business that has taken place in each session, including the stages of every bill and then search for these debates on the Hansard or ProQuest website for the specific sittings: <https://publications.parliament.uk/pa/cm/cmsid.htm> [↑](#footnote-ref-11)
11. See also Goplerud, Max. 2022. "Methods for Analyzing Parliamentary Debates" and (with David A. Gelman) "Legislative Debates in the US Congress" in The Politics of Legislative Debates, (eds.) Hanna Bäck, Marc Debus, and Jorge Fernandes. Oxford University Press. [publisher's version], Slapin, Jonathan B., and Sven-Oliver Proksch, 'Words as Data: Content Analysis in Legislative Studies', in Shane Martin, Thomas Saalfeld, and Kaare W. Strøm (eds), The Oxford Handbook of Legislative Studies (2014; online edn, Oxford Academic, 2 Sept. 2014), <https://doi.org/10.1093/oxfordhb/9780199653010.013.0033,> Grimmer J, Stewart BM. Text as Data: The Promise and Pitfalls of Automatic Content Analysis Methods for Political Texts. Political Analysis. 2013;21(3):267-297. doi:10.1093/pan/mps028. For the use of computational text analysis in a comparative setting, see also Sebők, M., Proksch, S.-O., Rauh, C., Visnovitz, P., Balázs, G., & Schwalbach, J. (2023). Comparative European legislative research in the age of large-scale computational text analysis: A review article. International Political Science Review, 46(1), 18-39. https://doi.org/10.1177/01925121231199904 (Original work published 2025). [↑](#footnote-ref-12)
12. See previously, Employment and Trade Union Rights (Dismissal and Re-engagement) Bill [HL] Originated in the House of Lords, Session 2022-23. <https://bills.parliament.uk/bills/3189> [↑](#footnote-ref-13)
13. If there is no relevant code matching the information given in the available variables, select the other option. [↑](#footnote-ref-14)
14. It may be useful to consider during the process whether there are ways to separate these three dimensions of the claims. [↑](#footnote-ref-15)