

November 2024

Employment Newsletter

Employment Rights Bill

The future Employment Rights Bill is a comprehensive bill which, once implemented, will represent the biggest change in employment rights for a generation. It will raise the floor of employment rights, giving the British workers the prosperity, security and dignity that everyone needs and deserves at work.

The government's intention to remove one-sided flexibility and rebalance the employment relationship is one of the main strands of the bill. Supporting workers by removing one sided contracts and fire and rehire practices, while strengthening day one rights.

Behaviour at work

Under the bill, employers will be required to prioritise Fairness, Equality and Wellbeing of workers by

- strengthening the duty to protect workers from sexual harassment
- taking steps to prevent sexual harassment by third parties
- adding sexual harassment to the list of protected disclosure
- an introduction of Equality Plans.

Modernisation of Trade Union legislation

What is changing:

- repeal the Strikes (Minimum Service Levels) Act 2023
- repeal the Trade Union Act 2016
- strengthen trade unions' right of access
- simplify trade union recognition process
- introduce new rights and protections for trade unions representatives
- introduce a duty for employers to inform workers of their right to join a trade union
- introduce additional protections from blacklisting.

Enforcement will feature prominently as part of the proposed changes with additional regulations on Employment Businesses and Agencies and National Minimum Wage.



The 'Fair Pay Agency' will take over the monitoring of National Minimum Wage compliance and will be further empowered to look at other employment rights such as holiday pay, etc.

The government has begun consultation on some of these changes.

Most recently announced are potential changes to collective awards for failure to consult, which have two options for consideration and debate:

- lifting the current protective award from 90 to 180 days
- removing the current 90-day cap and allowing employment tribunals to decide the value of the breach (until 2 of December 2024)
- the SSP consultation on the removal of waiting time and minimum earning limit (until 4 of December 2024).

These engagements and debates will continue through 2025, and the finalised bill is not likely to take effect before 2026.

The Employment Rights Bill did not contain all the governments proposed changes and some have been delayed to future legalisation. The items postponed were:

- A right to switch off, preventing employees from being contacted out of hours
- A requirement for large employers to report their ethnicity and disability pay gap
- A move towards the single status of worker and transition towards a simpler two tier framework for employment status
- A review into parental and carers leave systems to ensure they are delivering for employers, workers and their loved ones

A series of factsheets have been released by the Department of Trade and Industry to aid employers and can be found [here](#).