

Red House Legal Briefing

Employment Rights Bill



10 October 2024

NEW- Employment Rights Bill

The Government has today announced a major shake up of workers' rights and it's the biggest employment law reform in years.

The key highlights are set out below and assuming they remain as stated in the Bill, when the Act finally passes through Parliament then they will require all employers to radically rethink many of their key policies and internal procedures.

Note that there is no commencement date as yet. Some reports are stating that it could be October 2026 to allow businesses to readjust their working practices but there is every chance it could be earlier than that. April 2025 would appear too early but October 2025 is possible.

Key changes

- Unfair dismissal – NO qualifying period. Today an employee needs 2 years' employment to be able to bring an unfair dismissal claim. This will become a day 1 right.
- Statutory Sick Pay (SSP) will be payable from day 1.
- New changes to the right to request flexible working. Refusal will have to be reasonable and the employer needs to explain why the refusal is reasonable in writing.
- If you employ staff on zero hours contracts the Bill sets out many changes including guaranteed hours, the right to pay for late notice shift cancellation and the right to reasonable notice of a worker's shift.
- An employer will have full liability for third party harassment under the Equality Act.
- Protected disclosures will include that sexual harassment has occurred or is likely to occur.
- For businesses that have historically used "fire and rehire", it will be automatically unfair to dismiss an employee for refusing a contract variation with very limited exceptions.
- Proposal for businesses with over 250 employees to produce an action plan for gender equality.
- S.1 statements (basic contracts of employment) must state that a worker has the right to join a Trade Union.

Recommendations and action

At this time I would simply make yourself aware of the forthcoming changes and when we have a commencement date, look to take advice on the effects of the changes so you are prepared from day one.

The major changes required will depend on your business but for all businesses the minimum requirements will be an update to your staff handbook, policies and contracts of employment.

If you have any questions about this topic or need a review of any existing policy, please let us know.

Best regards

Stephen

