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The Employment Rights Bill





Key pledge of a new Government

An ‘upgrade’ to employment rights for
workers

Does it deliver?

When will it deliver?



Individual Rights

- Strengthened flexible working rights
- Ending exploitative zero-hours culture
- Sick pay from the first day you're ill
- Bereavement leave widened to close family members
- Improved pregnancy and maternity rights
- New 'day one' rights to parental and paternity leave.



Collective rights for trade unions and their members:-

- New access and recognition rights
- Improvements to facility time (to enable better representation of members)
- Protections against detriment and dismissal when taking industrial action
- Improved collective redundancy provisions
- A new Fair Work Agency to help enforce rights and resolve disputes.



Plans for improving pay and terms and conditions of work on a much larger scale:

- An Adult Social Care Negotiating Body to deliver a Fair Pay Agreement for care workers (in England at first)
- A new School Support Staff Negotiating Body (in England at first)
- A two-tier workforce code to stop outsourcing driving down pay and terms.



From April 2026

- Increase in the maximum period of the collective redundancy protective award;
- Day one rights to paternity leave and unpaid parental leave;
- Whistleblowing protections
- Establishment of the Fair Work Agency;
- Removal of the lower earnings limit and waiting period for SSP;
- Simplifying the trade union recognition process;
- Electronic and workplace balloting.



Statutory Sick Pay

- **Now:** Statutory sick pay is payable from day four of sickness, and employees need to be earning above the weekly lower earnings limit which is currently £123 to qualify
- **New:** SSP will become payable from **day 1 of sickness** and payable for the first 3 Qualifying Days of sickness. In addition, the lower earnings limit will be removed, meaning that all eligible employees, regardless of earnings, will be entitled to SSP - which will be the lower of the “prescribed weekly rate” and 80% of normal weekly earnings.
- **When in force:** April 2026.



October 2026

- Ban on dismissal and re-engagement (fire and re-hire);
- Requirement for employers to take all reasonable steps to prevent sexual harassment;
- Requirement for employers to prevent third-party harassment of employees;
- New rights and protections for trade union representatives;
- Extension of the tribunal time limits to six months;
- Duty to inform workers of their rights to join a trade union;
- Strengthening of trade unions' rights of access to workplaces;
- Tightening of tipping law;
- Two-tier procurement code for outsourced public sector workers.



Delayed to 2027

- **Day one right to protection from unfair dismissal;**
- Zero hours contracts measures for zero hours and low hour contract workers and agency workers, including the duty to offer guaranteed hours contracts, provide reasonable notice of shifts and pay compensation for cancelled, moved or curtailed shifts;
- Requirement for employers to produce equality action plans, covering the steps they are taking to address their gender pay gap and support employees going through the menopause;
- Increased rights for pregnant workers;
- Introduction of the power for regulations to be made specifying what steps are to be regarded as reasonable to determine whether an employer has taken all reasonable steps to prevent sexual harassment;
- Industrial relations framework;
- New collective redundancy consultation threshold;
- Introduction of reasonableness requirement to refuse flexible working requests;
- Day one rights to bereavement leave.



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Getting ready?



Over to you!



The Takeaways

- Do you have the right policies in place? Think about sexual harassment / relationships at work / Equality Diversity and Inclusion.
- What do you think you may have the highest risk? Have you assessed known areas of issues? HR 'Hotspots'.
- Do you need training for staff? Do people understand what is and isn't acceptable behaviour in the workplace?
- How can you ensure your contractors are compliant? Reviewing the terms & conditions you have with them. Do you explicitly say that unacceptable behaviour will not be tolerated etc?
- Steps relating to the reporting of instances of sexual harassment and/or third-party harassment and subsequent action plans.



At a corporate level

- HR reviews corporately need to be filtered to individual council services
- Are systems and processes capable of immediate updates – e.g. SSP?
Bereavement leave, family rights?
- Are your supervisors aware of the new requirements and trained?

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