

Employments Rights Bill (1st Draft) Published 10th October 2024

The Government has finally published its Employment Rights Bill, which forms the main part of its plan to “Make Work Pay”. Given the complexity of the proposed changes and the ongoing consultations, most of the reforms are not expected to take effect until 2026.

Key Points:

Proposals		Changes
Expansion of Day 1 Rights	Bereavement Leave	Employees will be entitled to at least 1 week of bereavement leave
	Unfair Dismissal	The two-year qualifying period for claiming unfair dismissal will be removed, and the introduction of a new statutory probation period (expected to be 9 months)
	Parental Leave	One-year qualifying period removed
	Paternity Leave	26-week qualifying period removed
	Flexible Working	Employers will be required to assume and accommodate flexible working from day 1 (where feasible)
	Sick Pay	Right to SSP from 1st day of illness (rather than day 4), and day 1 of employment. Removal of Lower Earnings Band to qualify for sick pay

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Zero-Hour Contracts		Workers on zero-hours contracts or who are on low-hour contracts but regularly works over them will be entitled to move onto a guaranteed hours contract which will reflect the hours they regularly work. They will also have a right to reasonable notice of a shift, or for any changes to shifts, and compensation proportionate to notice given for any shifts cancelled or curtailed
Fire and Rehire		If employees are dismissed for refusing to agree to changes in contract, it will automatically be treated as unfair dismissal, unless the employer can prove that the decision was made because of financial difficulties and could not be avoided.
Sexual Harassment		Employers will be expected to take <i>all</i> reasonable steps to protect their workers against sexual harassment; this is in addition to the changes made in the Worker Protection (Amendment of Equality Act 2010) Act 2023 which comes into force on 26th October 2024



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Protection from Harassment		Employers will be required to protect employees from harassment from a third party, for example, a client or customer.
Maternity and Family Leave Returners	<ul style="list-style-type: none"> • Maternity Leave Returners 	It will be unlawful to dismiss employees whilst pregnant, on maternity leave, or within 6 months of returning (with some exceptions)
	<ul style="list-style-type: none"> • Statutory Family Leave Returners 	Existing powers will also be extended concerning adoption leave, shared parental leave, neonatal care leave, and bereaved partners' paternity leave, allowing regulations that protect against dismissal during the period after an individual returns to work following any of these.
Equality Action Plans	<ul style="list-style-type: none"> • Gender Pay Gap • Menopause Action Plan 	Employers with 250+ employees will need to publish action plans which will address the gender pay gap and support employees experiencing menopause.

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Ethnicity and Disability Pay Gaps		Reporting will be compulsory for all employers with 250+ employees, and will likely be similar to reporting required for gender pay reporting.
Right to Switch Off (or disconnect)		Likely to be introduced as a code of conduct, with the possibility of an uplift in tribunal claim awards for non-compliance.
Trade Union Rights		<ul style="list-style-type: none"> • Employers will have a duty to inform workers of their right to join a union • Union officials will have improved rights which will allow them to enter organisations to recruit, organise and represent workers.

