

BFFF HR Forum: Breaking down the Employment Rights Bill & HR Update

**Wednesday 21 May 2025
11:00 – 12:15**

Thank you for joining our webinar, one moment whilst we allow people to join.

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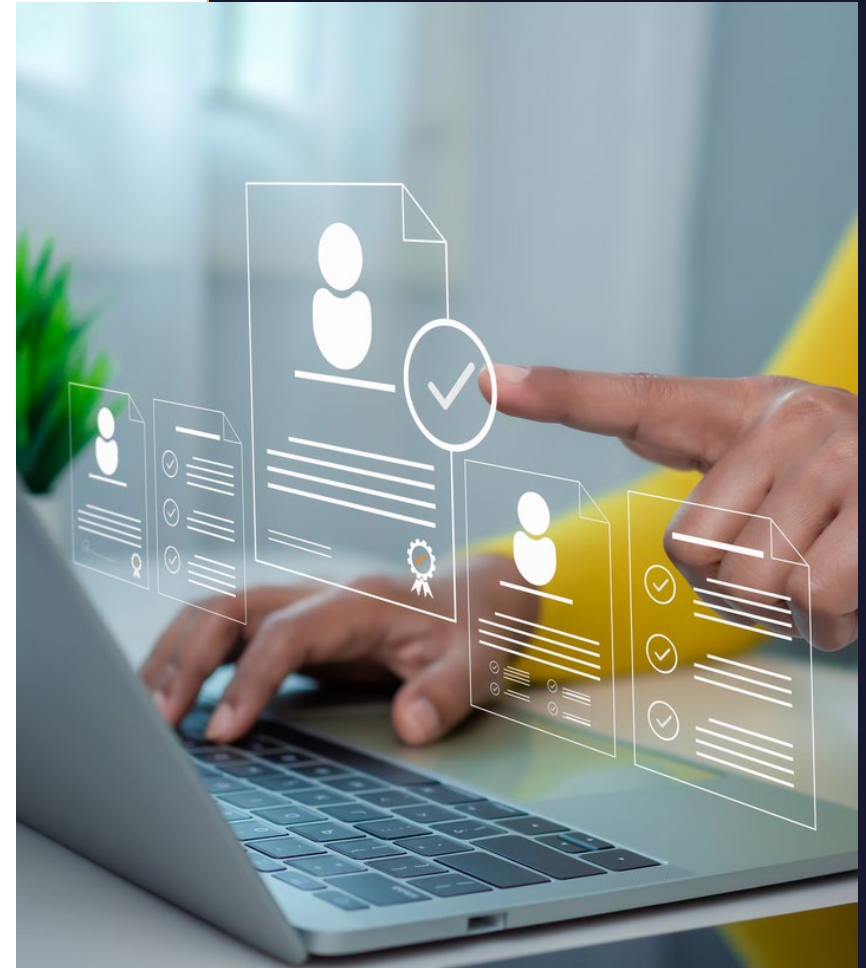


Today's Session

- Employment Rights Bill
- Neonatal care leave and pay
- Freedom of speech

Employment Rights Bill - Overview

- Timing
- Main changes
- Other significant amendments
- What should employers focus on?

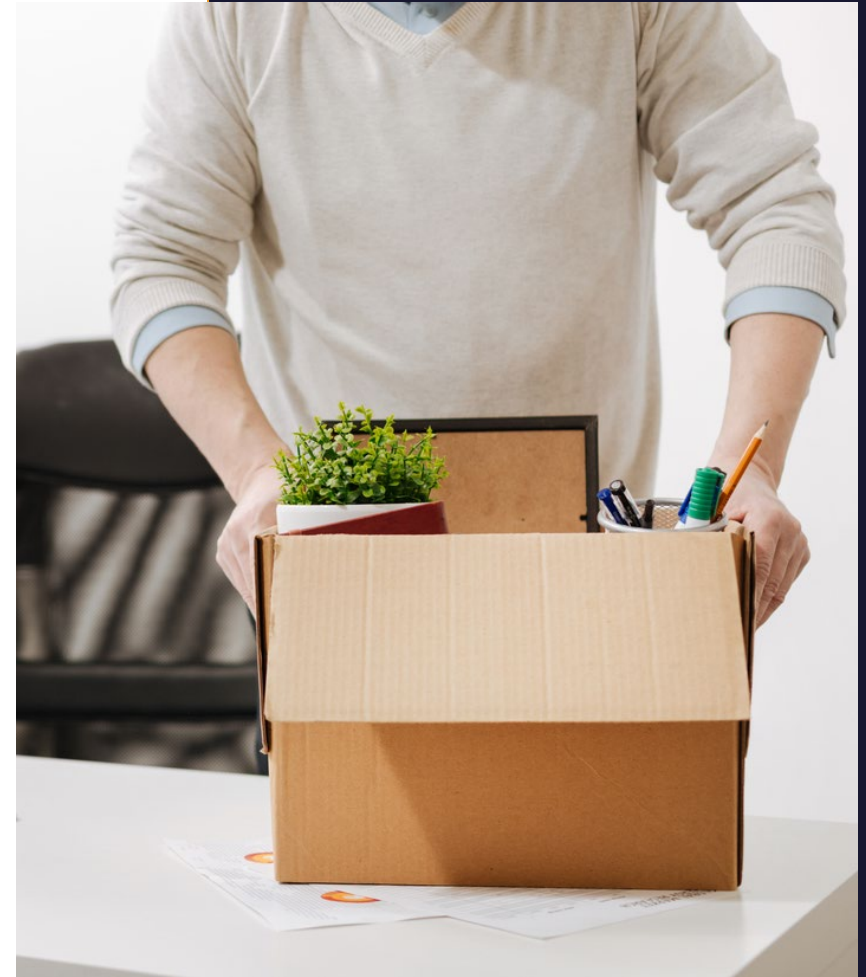


Employment Rights Bill - Timing

- Most changes - no earlier than 2026
- Some changes could come into effect earlier, especially where further implementing Regulations are not needed
- Other changes require consultation and the drafting of detailed regulations, which will take time
- In summary, there remains a great deal of uncertainty

Employment Rights Bill – Main changes

- Extension of unfair dismissal - two-year qualifying period will be removed
- Probationary periods
 - “Initial period of employment” will be subject to different rules
- Mitigation:
 - Robust recruitment processes
 - Ongoing performance management
- Not before Autumn 2026



Employment Rights Bill – Main changes

- Zero hours and low hours workers
 - Guaranteed hours for zero hours workers and workers on ‘low’ guaranteed hours who regularly work more than these hours
 - Will also apply to agency workers
 - Reasonable notice of shifts and compensation for changes/cancellation on short notice
- Harassment
 - Duty to take “all reasonable steps” to prevent sexual harassment
 - Reintroduction of employer liability for third-party harassment (all protected characteristics) – duty to take “all reasonable steps” to prevent harassment

Employment Rights Bill – Main changes

- Fire and rehire - automatically unfair to dismiss if employer sought to:
 - Vary employee's contract and the employee did not agree; or
 - Employ another person, or re-engage the same employee, on different terms
- Very limited exception – reduce or mitigate serious financial difficulties

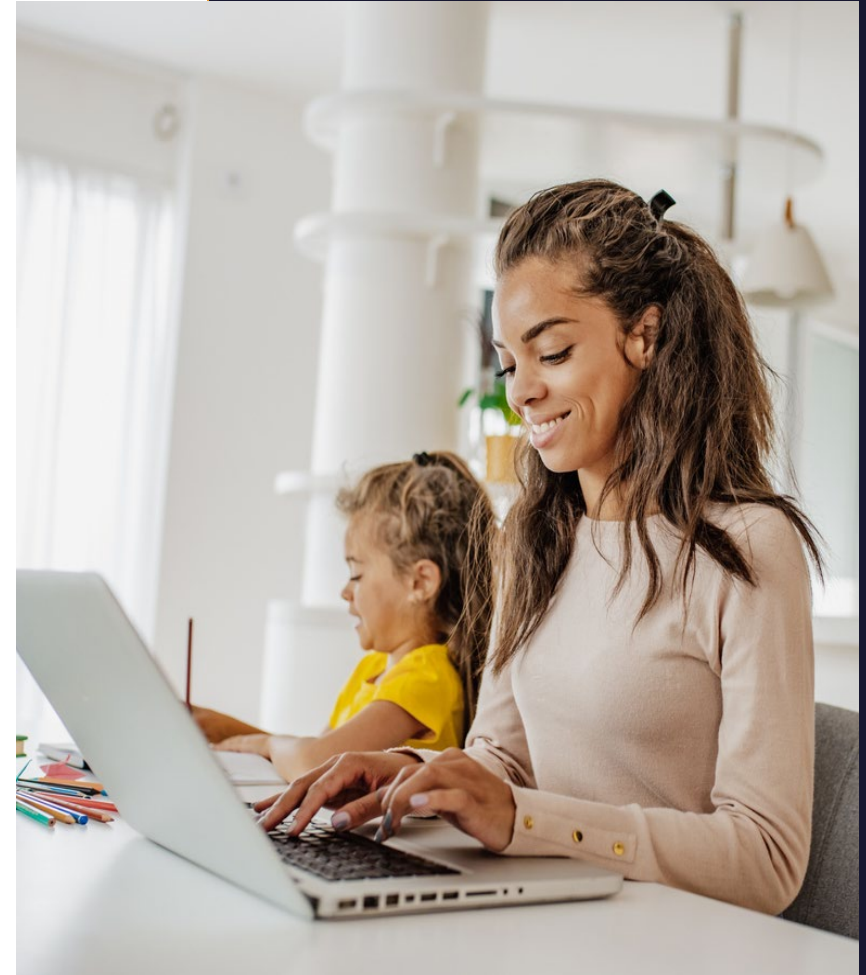


Employment Rights Bill – Main changes

- Trade Unions
 - Repeals Strikes (Minimum Service Levels) Act 2023
 - Written statement of rights
 - Access agreements for union officials
 - Easier recognition process
 - Reduced requirements for balloting and notice periods
 - Increased protection from detriment and dismissal
- Collective redundancies
 - “At one establishment” remains
 - Increased protective award

Employment Rights Bill – Main changes

- Right to request flexible working
 - Day one right since April 2024
 - Employers can only refuse if reasonable
 - Statutory grounds remain the same
 - Discrimination risk remains
- Statutory sick leave
 - Three-day waiting period and lower earnings limit will be removed
 - 80% of earnings or statutory rate, whichever is lower



Employment Rights Bill – Main changes

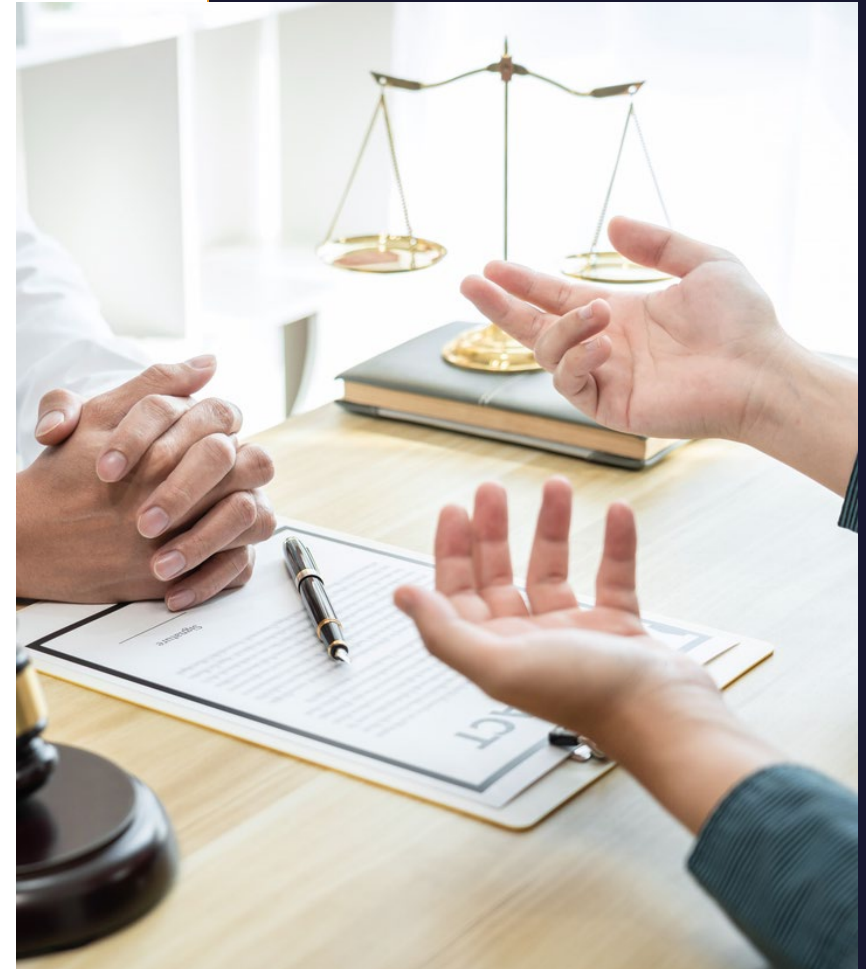
- Parental and paternity leave
 - Will become day one rights
 - Review of parental leave to start before Bill receives Royal Assent
- Bereavement leave
 - Will become general entitlement
 - Principle of bereavement leave for pregnancy loss accepted
- Maternity protection

Employment Rights Bill – Other changes

- Limitation period for employment tribunal claims will be six months
- Delegating enforcement powers to the Fair Work Agency
- Introducing a requirement to keep records of compliance with annual leave obligations

But

- No provision made for the expected “right to switch off”



Employment Rights Bill – What should employers focus on?

- Sexual harassment and whistleblowing
- Third party harassment
- Flexible working
- Contract variations including fire and rehire
- Unfair dismissal

Equality (Race and Disability) Bill

- Consultation published
- Similar framework to gender pay gap reporting
- Closes on 10 June
- Call for Evidence on equal pay planned



Neonatal care leave and pay

- Who is eligible?
- Definition of neonatal care
- Rights during NCL
- Taking NCL
- Other provisions
- Neonatal care pay

Freedom of speech

- *Higgs v Farmor's School*
- Background
- Court of Appeal decision
- What does it mean for employers?



Q&A



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THANK YOU