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**Ribble Valley Tourism Association -
23 September 2025**




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Introductions



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Agenda

- Employment Rights Bill updates
- Case law updates
- Key priorities for HR
- Changes to T&Cs
- Wrap up

Questions/discussion encouraged throughout – Chatham House rules

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Employment Rights Bill Progress Update



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Employment Rights Bill

Where is it up to?

- 320 pages; 10 schedules
- Now in Commons to consider Lords amendments
- Once approved, it will receive Royal Assent – likely to be October 2025
- Government has announced implementation roadmap – a timetable
- Government has also announced a series of consultations on implementation/to inform drafting of Regulations

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Employment Rights Bill

Implementation roadmap

TBC 2025	Restoring union rights and worker protections
April 2026	Family support, sick pay and new enforcement agency
October 2026 membership	Harassment, changing contracts, tipping and union membership
TBC 2027	Equality, stability, flexible work and unfair dismissal

[Implementing the Employment Rights Bill - Our roadmap for delivering change](#)



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Employment Rights Bill

Government consultations

Autumn 2025

Consultation on day-1 unfair dismissal, SSSNB, social care, plus trade union, fire-and-rehire, umbrella reforms, bereavement, pregnancy and zero-hours.

Winter 2025/Early 2026

Further consultations covering tipping law, flexible working, collective redundancy and blacklisting.



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Employment Rights Bill

Collective Redundancy

Currently

- Employers proposing 20+ redundancies “at 1 establishment” within a period of 90 days must go through a process of collective consultation before making any redundancies. If employers don’t comply, employees can claim a protective award of up to 90 days’ pay.

How will it work?

- New “threshold test”
- Collective consultation required if there are either 20+ redundancies at one establishment, or if another threshold test is met, which will involve counting employees across all sites/workplaces.
- The threshold test will be defined in Regulations – could be based on a percentage or number higher than 20 (e.g. the lower of 10% or 100 employees across the business as a whole).
- The Bill would also increase the maximum protective award to 180 days’ pay.

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Employment Rights Bill

Day 1 right to unfair dismissal protection

Currently

- Employees must have worked continuously for 2 years to qualify for 'ordinary' unfair dismissal rights.

How will it work?

- Qualifying period of 2 years' service to be removed.
- 'Light touch' dismissal process during 'initial period' of employment – 9 months?

What's changed?

- Implementation roadmap confirmed will not come in until 2027 (originally October 2026).
- Consultation process starting Summer 2025.

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Employment Rights Bill

Zero hours, low hours and shifts

Currently

- Recent data – over 1 million people in the UK currently work on zero-hour contracts.
- Zero-hour contracts are allowed but can't include clauses preventing employees working elsewhere.

How it will work

- Detailed and complex rules with much detail still awaited
- Aimed to tackle issues through 2 measures:
 - a right to a guaranteed hours contract; and
 - a right to reasonable notice of shifts and a right to a proportionate compensatory payment for shifts cancelled or curtailed at short notice
- Remember – right to be offered guaranteed hours contract not the same as an obligation to accept it
- Now includes agency workers
- New claim workers can bring where employers attempt to manipulate/circumvent their obligations

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Employment Rights Bill

Zero hours, low hours and shifts

The right to a guaranteed hours contract

- Reflective of the hours worked during the previous reference period and guaranteeing a minimum number of hours
- Short qualifying period applicable i.e. equal to reference period – 12 weeks?
- Accept or reject the guaranteed hours during a 'response period' – length TBC – no less than 1 week
- Overall terms of guaranteed hours contract can't be less favourable than existing contract
- Right to review
- Limited right to offer a future fixed term period only – details TBC
- Right to claim:
 - to recover any financial losses sustained;
 - protection from suffering a detriment for enforcing the rights; and
 - dismissal linked to trying to enforce this right being automatically unfair

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Non Disclosure Agreements (NDAs)

- Any contract provision that attempts to prevent a worker from making allegations or disclosures about harassment or discrimination will be void, unless it is in an "excepted agreement" – to be defined in Regulations
- Not limited to sexual harassment or specific types of discrimination
- Extends to disclosures about the response of the employer to the harassment or discrimination, or the response of the employer to the making of the allegation or disclosure
- Only covers harassment or discrimination which is conduct by the employer or fellow worker and the victim of the conduct must also be the worker themselves or a fellow worker
- Major implications for confidentiality wording in contracts - not employment contracts -and policies, as well as settlement agreements
- Ensure proper investigations of allegations and be prepared to publicly defend your responses

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Other Changes

Extended Family Leave Rights

- Bereavement leave will be extended to cover pregnancy loss, providing support for those who suffer pregnancy loss prior to the 24th week of pregnancy.
 - A new type of parental leave, called 'kinship leave' will be introduced for friends, relatives or extended family members who take responsibility for the raising of a child. The leave will be for a maximum of 52 weeks where the care is expected to last for at least a year and until the child turns 18. If more than one person takes responsibility, the 52 weeks may be shared between them.
 - Additionally, statutory paternity pay is to be substantially increased. Fathers and second parents would receive 6 weeks' pay, calculated at the rate of 90% of the father's salary or the median gross earnings in the UK, whichever is the lower. If passed, this will not come into force until at least 2030.
- **Flexible working requests**
 - If refused, must be reasonable
 - **Tips**
 - Policy to be subject to consultation and publication of views

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Some interesting case law decisions

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Clarifying the definition of 'sex' in the Equality Act

Supreme Court Ruling - Women Scotland Limited (Appellant) v The Scottish Ministers (Respondent)

- Supreme Court found that, as a matter of ordinary language, the provisions relating to sex discrimination can only be interpreted as referring to biological sex
- The terms 'woman' and 'sex' in the Equality Act 2010 refer to a 'biological woman' and 'biological sex'
- Reiterated that trans people are protected from discrimination
- The Equality and Human Rights Commission has published an interim update on the practical implications of the judgment
- Further guidance is awaited together with an updated Code of Practice
- EHRC aims to provide the updated Code of Practice to the Government but no date yet on when it will be published

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Campbell v Sheffield Teaching North Hospitals NHS Foundation Trust & Hammond

Employer took 'all reasonable steps'

Mr H had been a member of UNISON, however informed the Union he intended to leave. Despite this, his membership subscriptions continued to be deducted from his wages despite several complaints. He went to speak to Mr C about this however this eventually led to an argument between the two. Mr H then made a racially discriminatory comment to him

The Tribunal found the conversation did not fall into the employment as the membership was not a requirement

The Tribunal also found the NHS Trust had taken all reasonable steps to prevent the harassment from occurring because:

- Mr H had attended an induction session dealing with acceptable behaviour at work where, among other things, the NHS Trust's core values of affording dignity, trust and respect to everyone were emphasised.
- Mr H's performance was assessed annually, including with reference to whether he was acting in accordance with the Trust's core values
- The Trust's core values were displayed on posters around where he worked
- Mr H was obliged to attend mandatory EDI training every 3 years, which had recently been completed by Mr H as part of a small focus group session

The EAT upheld the decision as the NHS could not have taken any more reasonable steps to prevent this.

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Stedman v Haven Leisure

Diagnosis of ADHD or Autism – ‘substantial impact’ for definition of disability

- Mr S diagnosed with ADHD and Autism – brought a claim after his job application unsuccessful
- ET decided he was not disabled – based on the fact that the disability did not have a ‘substantial impact on normal day-to-day activities’
- Employment Tribunal allowed appeal:
 - Must consider whether the impairment has a ‘substantial adverse effect’
 - The comparison for ‘substantial adverse effect’ is between the Claimant as they are with the impairment and as they hypothetically would be without the impairment
 - Focussing on what Mr Steadman could do and weighing this against his stated difficulties – wrong approach
 - Should have focussed on what Mr S could not do or do only with significant difficulty
 - “Weighing approach” not allowed when assessing disability

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Changes to Employment Terms

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Changes to terms and conditions

Practical considerations

- Audit staff
- Audit contracts
- Changes?
- Assess Gap
- As is and To be
- Plot route
- Implement

Would any members like to share their stories/experiences/challenges and how they overcame them?

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Changes to terms and conditions

Legal considerations

- Establish if the proposed changes are contractual (but may not be in contract!)
 - Seeking express agreement to proposed changes is easiest route
 - Check if authorised by the contract – variation clause? But must be exercised reasonably
 - Impose changes and see what happens! Breach of contract/constructive dismissal risk...
 - Terminate on notice and offer re-engagement on new terms
 - Proposal to make more than 20 employees redundant at a single establishment in a rolling 90-day period, looking forward and backward – collective consultation required
- ***Definition of redundancy for the purposes of collective consultation/TULRCA includes dismissal and re-engagement on new T&Cs***
- Statutory Code of Practice on Dismissal and Re-engagement since 18 July 2024
 - Consideration – must be some benefit passing from each party to the other

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What could you be doing now?

We have been banging the drum for the last year – but it is getting very real now!

HR teams will need to prepare:

- Payroll systems
- Contract updates/roll outs
- Handbook updates
- Consultation protocols
- Strategic planning and staff training are essential to meet these milestones
- Having a plan and keeping on top of it is key
- Thinking about cost-neutral (or cost-saving) positive initiatives you could introduce
- Fair Work Agency - an audit trail is essential...

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Any questions?
Thank you

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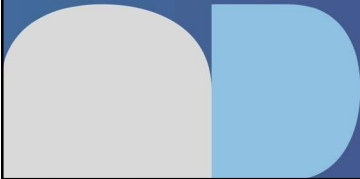
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