

# Help To Grow, with Loch Associates

Employment Rights:  
Using legislation to your advantage



# Speakers



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# What will we cover today?

## Session Content

### Consider Three Key Questions:

- ⚙️ What's in the Employment Rights Bill?
- ⚙️ What will it mean for you?
- ⚙️ How can you prepare, now?

### Conclude: Q&A

# Temperature Check

## Zoom Poll:

How confident are you in your understanding of the Employment Rights Bill?

Very

Somewhat

Not at all



# Scene Setting

Green Paper

New Deal

Manifesto

Election

Result

# Slow Progress

## **The Speed of Change is Slow: Let's Look at 1997**

- Tony Blair's Labour Party won General Election on 1 May 1997
- Introduction of NMW = Key Manifesto Pledge
- NMW Bill = Introduced on 26 November 1997 (Six Months)
- Bill received Royal Assent on 31 July 1998 (14 Months)
- Detailed Regulations & Consultation process followed

**NMW finally took effect on 1 April 1999 - Two Years Later!**

**But don't let it creep up on you....**

# The Employment Rights Bill

**A Wide-Ranging Bill: 28 Key Measures!**

**Factsheet: 'Employment Rights Bill Overview'**

- Day One Rights
- One-Sided Flexibility
- Family-Friendly Rights
- Fairness & Equality

# Day One Rights





# A Significant Shift

**Now:** Employees need two years' continuous service before they have the right not to be unfairly dismissed.

**Next:** Unfair dismissal rights will apply from day one of employment, subject to an 'initial period' during which a 'light touch' dismissal procedure can be applied.

## **Extensive Consultation Required:**

- **Initial Period of Employment (IPE):** Nine months?
- **Light Touch Procedure:** Meeting (accompanied) to explain concerns.

# Review Recruitment

## **Right People, Right Role!**

### **Review your Recruitment Procedure:**

Does it need to be more stringent?

Do my managers need training?

### **Evaluate your Employer Brand:**

Is it clearly conveyed?

What's the candidate experience like?

# Prioritise Probation

- Let's Review the Length
- Set up a System
- Make Sure to Monitor
- Provide Probation Training
- Ensure an Audit Trail

**Plus: Turnover Could be a Challenge**

# Modify Performance Management Procedures

## **IPE: Fair Reason = 'Capability':**

- Are you Sure there's a Structure?
- Are your Managers Aware?
- Are your Formal Procedures Appropriate?
- Are your Managers Trained?
- Are your Documents in Order?



# One Sided Flexibility



# Measures to Monitor

## **Fire & Rehire:**

**Now:** Statutory Code introduced July 2024

**Next:** Bill would make dismissal automatically unfair

## **Collective Redundancy:**

**Now:** One establishment

**Next:** Entire workforce

## **Zero Hours Contracts:**

**Now:** Allowed subject to exclusivity ban

**Next:** Offer guaranteed hours after every reference period

# Zero Hours?

## Zoom Poll:

Do you engage zero-hours workers?

Yes

No

# Practical Actions

## **Workforce Audit:**

- What proportion of your workforce is zero-hours ?
- In which areas of your business?

## **Check & Challenge:**

- Do your zero-hours workers actually work regular hours?
- Is zero-hours the best type of arrangement, in reality?

## **Alternative Arrangements:**

- Fixed Term, Part Time, Self-Employed Consultant or Contractor?



# Family Friendly Rights



# Measures to Monitor

## **Paternity & Parental Leave:**

**Now:** Both parental and paternity leave require qualifying service

**Next:** Day one rights

## **Bereavement Leave:**

**Now:** No general statutory right to bereavement leave

**Next:** Bill gives Government power to introduce day one right

## **Flexible Working:**

**Now:** Eight grounds for refusal of request

**Next:** Employer must give 'reasonable' reasons for refusal

# Feelings on Flexibility

## Zoom Poll:

How do your organisation's managers feel about flexible working?

Love It

Like It

Loathe It

# Practical Actions

## **Assess:**

How do your managers feel about flexible working?

Love or Loathe?

Provide training on the legalities & the benefits.

## **Audit:**

How do you treat paternity leave at present?

What about compassionate leave?

Do employees know about parental leave?



# Fairness & Equality



# Measures to Monitor

## **Sexual Harassment:**

**Now:** Duty to take reasonable steps to prevent sexual harassment

**Next:** Extend to 'all' reasonable steps

## **Statutory Sick Pay:**

**Now:** SSP payable from day four

**Next:** SSP payable from day one

# All Aware?

## Zoom Poll:

Were you aware the law on sexual harassment in the workplace changed in October 2024?

Yes

No

# Practical Actions

## **Assessment:**

- Conduct a Sexual Harassment Risk Assessment
- Conduct a Policy Review

## **Training:**

- Provide Training to Managers & Staff
- Ask for Staff Insights

## **Audit:**

- How is Sick Leave Paid at Present?
- Consider the Financial Impact & Preventative Steps



# Implement Insurance

## **More People with Rights = More Claims**

- More Claims = More Delays
- More Delays = More Witness Uncertainty & Management Time/Cost

**Consider:** 'Fair' & Documented Procedure

**Consider:** Early Mediation

**Consider:** ET Insurance

# Conclusion



# An Opportunity?

## **Employment Rights Bill:**

- Considerable Changes
- Significant Challenges

## **But also an opportunity!**

- Undertake an Audit
- Train, Train, Train
- Consult Collectively

# Q&A

**Ask Us Anything!**



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Thank you!

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