

How the Employment Rights Bill 2024 impacts employers and businesses

The government's new Employment Rights Bill outlines significant changes to employment laws, focusing on workers' rights and flexibility.

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The Employment Rights Bill 2024 is subject to revision as it passes through Parliament. Employment Partner Karen Cole of West End law firm RIAA Barker Gillette extracts the key elements employers should be aware of are:

1. Protection against unfair dismissal from day one

Day one protection, combined with a new statutory probationary period for new hires, replaces the two-year qualifying period for unfair dismissal protection currently in play.

2. Making flexible working the norm where practical

The last government already made flexible working requests a day one right. The New Bill enhances this right. Although the eight permissible business reasons for refusal remain unchanged, any refusal by an employer must also be reasonable. This change is likely to make it easier for employees to challenge refusals.

3. Flexibility on both sides of zero-hours contracts

The government has not banned zero-hours contracts, but there will be a new right for workers to be entitled to a contract that reflects the number of hours regularly worked over a specified reference period, expected to be 12 weeks once confirmed. Also outlined are new provisions to give workers reasonable notice of shifts and to proportionately compensate them when shifts or working times are cancelled or cut short by an employer without reasonable notice.

4. Greater protection from 'fire and hire'

Employers will find it harder to change contractual terms without the employee's consent. Dismissing an employee for refusing a change to their terms of employment or replacing them with another employee on altered terms to perform, essentially, the same role will be automatically unfair. Currently, the Bill significantly curtails an employer's ability to change imposed terms and conditions, leaving only narrow circumstances allowing an employer to escape a finding of unfair dismissal, a seismic shift in employment law.

5. Rights to bereavement, paternity and parental leave from day one

As expected, the Bill removes the qualifying period of 26 weeks for paternity and parental leave, making these day-one rights. There will be a new right to at least one week's bereavement leave, with details of which relatives this applies to covered by regulations to follow. Where the deceased is a child, leave remains at two weeks.

6. Extended protection from redundancy for new parents

Pregnant employees and new mothers will receive extended protection from redundancy.

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7. Extended entitlement to statutory sick pay

Currently, statutory sick pay (SSP) is only available from the fourth day of sickness for employees earning over £123 per week. The Bill removes the waiting period, makes SSP payable from the first day of illness, and eliminates the minimum earnings threshold. These reforms are thought to take effect relatively quickly.

8. Stronger laws against harassment

The Bill strengthens requirements to guard against sexual workplace harassment (due to come into force later this month) by raising the bar from a duty to take 'reasonable steps' into a duty to take 'all reasonable steps'. The Bill also makes employers liable for harassment by third parties on any grounds, not just sexual harassment, if it happens during employment.

9. A new approach to enforcement and policing: The Fair Work Agency

The government will establish a Fair Work Agency to unite existing enforcement bodies to oversee rights such as holiday pay and provide general guidance. The government has yet to set out its approach. However, it could be more interventionist than presently in enforcing employees' rights against employers.

For tailored advice on how the Employment Rights Bill 2024 could impact you or your business, contact Partner and Head of Employment at RIAA Barker Gillette (UK) [Karen Cole](#) to ensure you're fully prepared for the upcoming changes.

Note: This article is not legal advice; it provides information of general interest about current legal issues.