THE CARE PROVIDER ALLIANCE



Employment Rights Bill

19 August 2025
Anna Dabek

TODAY'S FOCUS

- **Overview of ERB**
- **Three key aspects for sector**
  - Guaranteed hour offers
  - Trade union reform
  - Unfair dismissal
  - What are the changes, what will they mean, when will they happen?
- **Other provisions**
  - Fire and rehire
  - Statutory sick pay
  - Sexual harassment
  - Two tier code
- **Looking forward**
  - Working together going forward



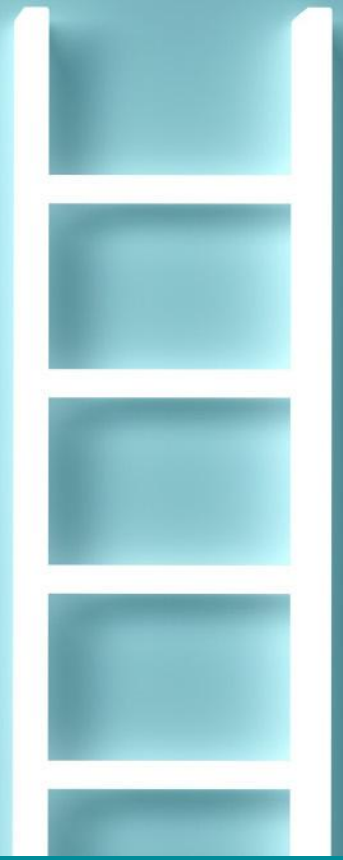
ERB OVERVIEW

- Hastily put together but in need of details – road map useful
- One more reading in the House of Lords
- Royal Assent – autumn 2025, will it be longer because of House of Lord's amendments?
- Royal Assent only the beginning….. Provisions to be introduced through to 2027 and beyond



THE IMPLEMENTATION ROAD MAP

Immediate/short term changes:	
Change	**Implementation date**
Protection against dismissal for taking industrial action	after Royal assent
Day one statutory sick pay and removal of LEL	April 2026
Day one paternity leave and unpaid parental leave	April 2026
Launch of the FWA to enforce labour standards	April 2026
Whistleblowing protections for raising sexual harassment complaint	April 2026
Simplified trade union recognition and introduction of electronic workplace ballots	April 2026



THE IMPLEMENTATION ROAD MAP

Medium term changes:

Change	Implementation date
Extending tribunal limit to 6 months	October 2026
Ban on fire and rehire practices	October 2026
Fair Pay Agreement body established for social care	October 2026
All reasonable steps to prevent sexual harassment to be introduced (including third party)	October 2026
Employers liable for third party harassment of employees	October 2026
Expanded rights for trade union representatives	October 2026
Two Tier Code for Procurement	October 2026
Duty to inform workers of their right to join a union	October 2026

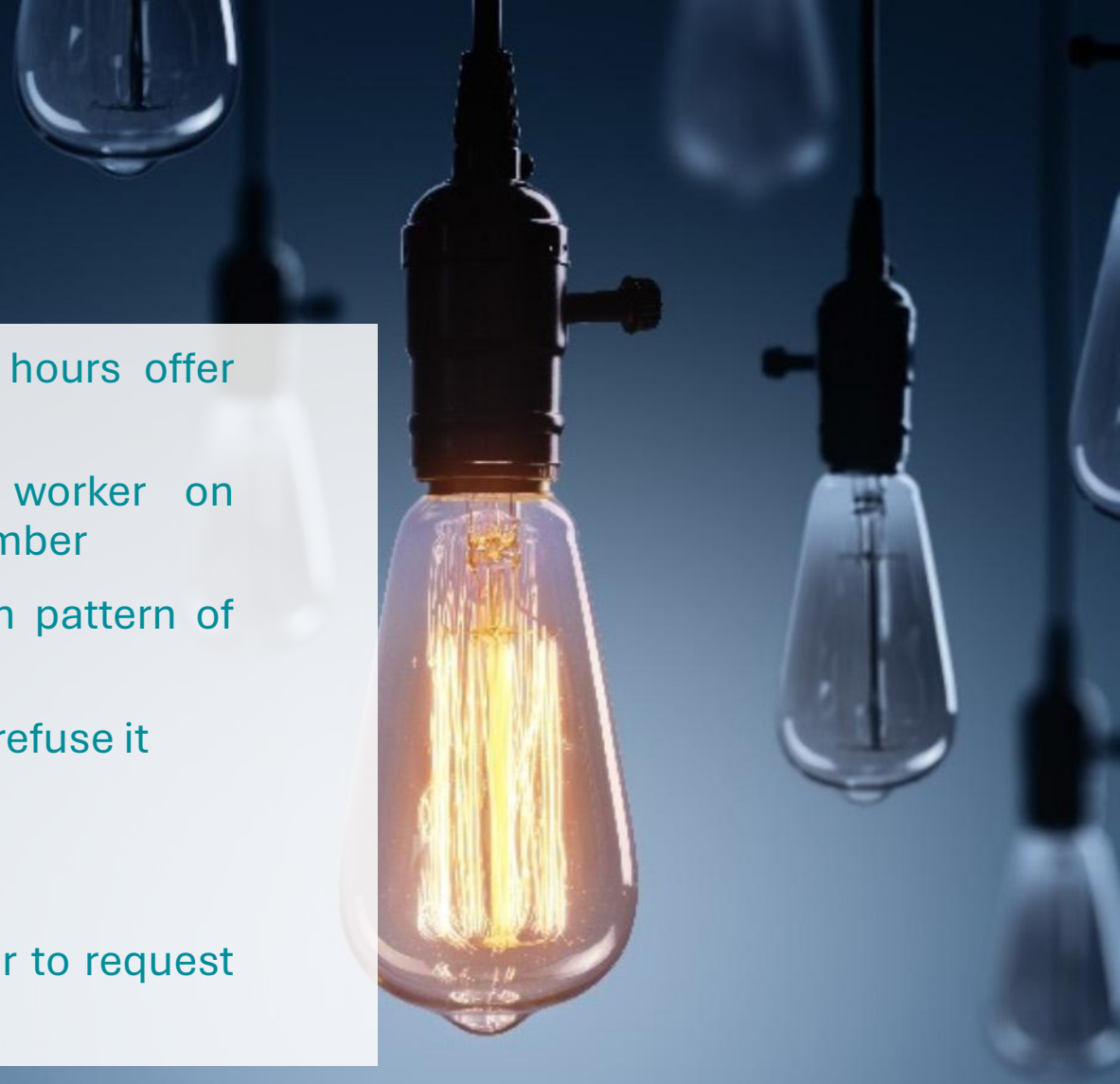
THE IMPLEMENTATION ROAD MAP

Long term changes:

Change	Implementation date
Day one unfair dismissal rights	2027
Protection against "exploitative zero hour contracts" e.g. the introduction of guaranteed hours offer and reasonable notice and compensation for cancelled/curtailed shifts	2027
Reform of collective redundancy thresholds	2027
Menopause action plans	2027
Better protection for pregnant workers and new mothers	2027
Greater flexible working rights and bereavement leave	2027



ZERO HOUR CONTRACTS



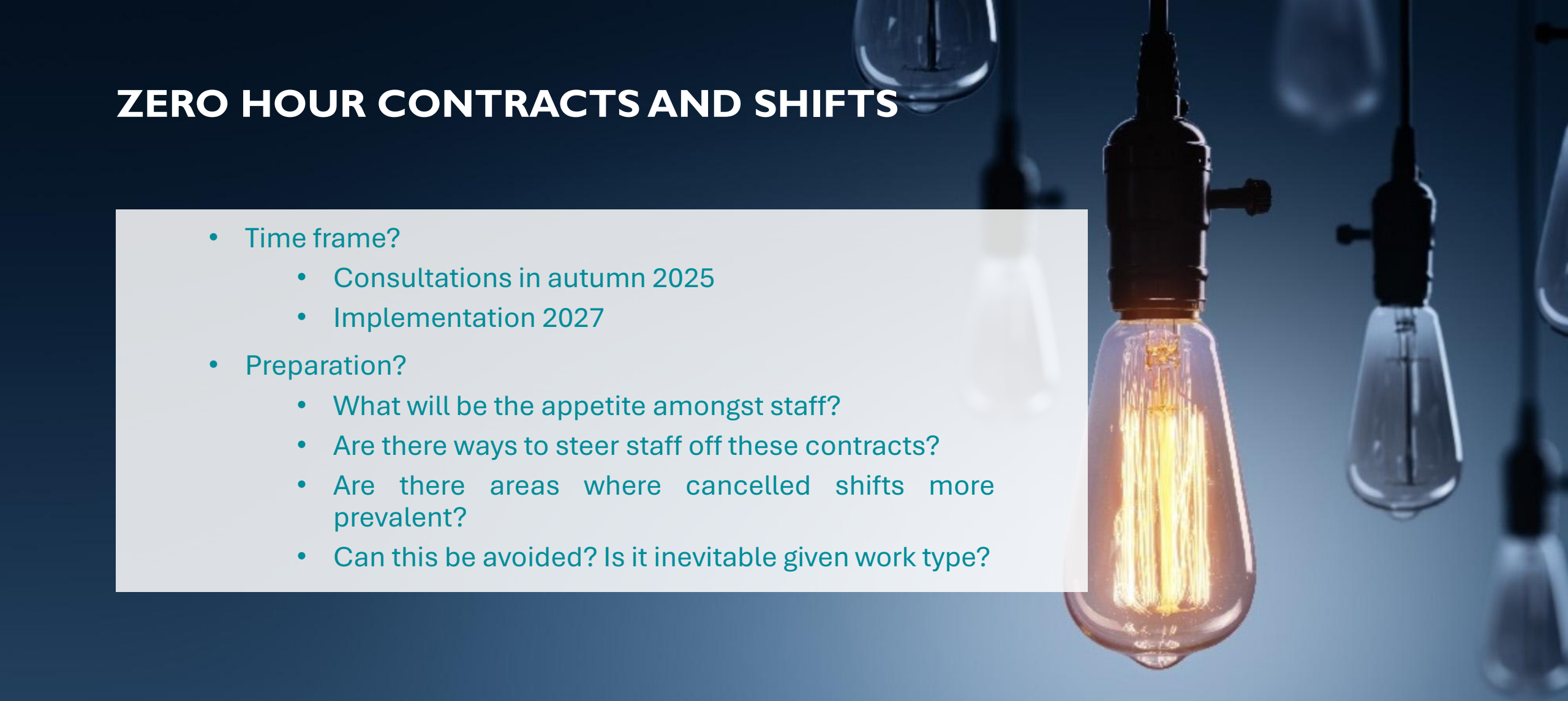
- Employer under duty to make a guaranteed hours offer (GHO) to qualifying worker/employee
- Qualifying worker – zero-hour worker or worker on guaranteed hours below a certain minimum number
- Qualifying worker must have worked a certain pattern of hours over a reference period
- Employer to make GHO – worker can accept or refuse it
- Applies to agency workers as well
- Framework but no detail
- House of Lords amendment – shifted to worker to request GHO and employer to respond – will it stick?

NOTICE OF SHIFTS AND CANCELLED/CHANGED SHIFTS



- Employers to give reasonable notice of shifts
- Reasonable not defined
- Employers to give reasonable notice of cancelation/changed shifts
- Employers to pay compensation IF shift cancelled/changed at short notice
- Short notice?
    - No more than seven days or 48 hours?
- Applies to agency workers

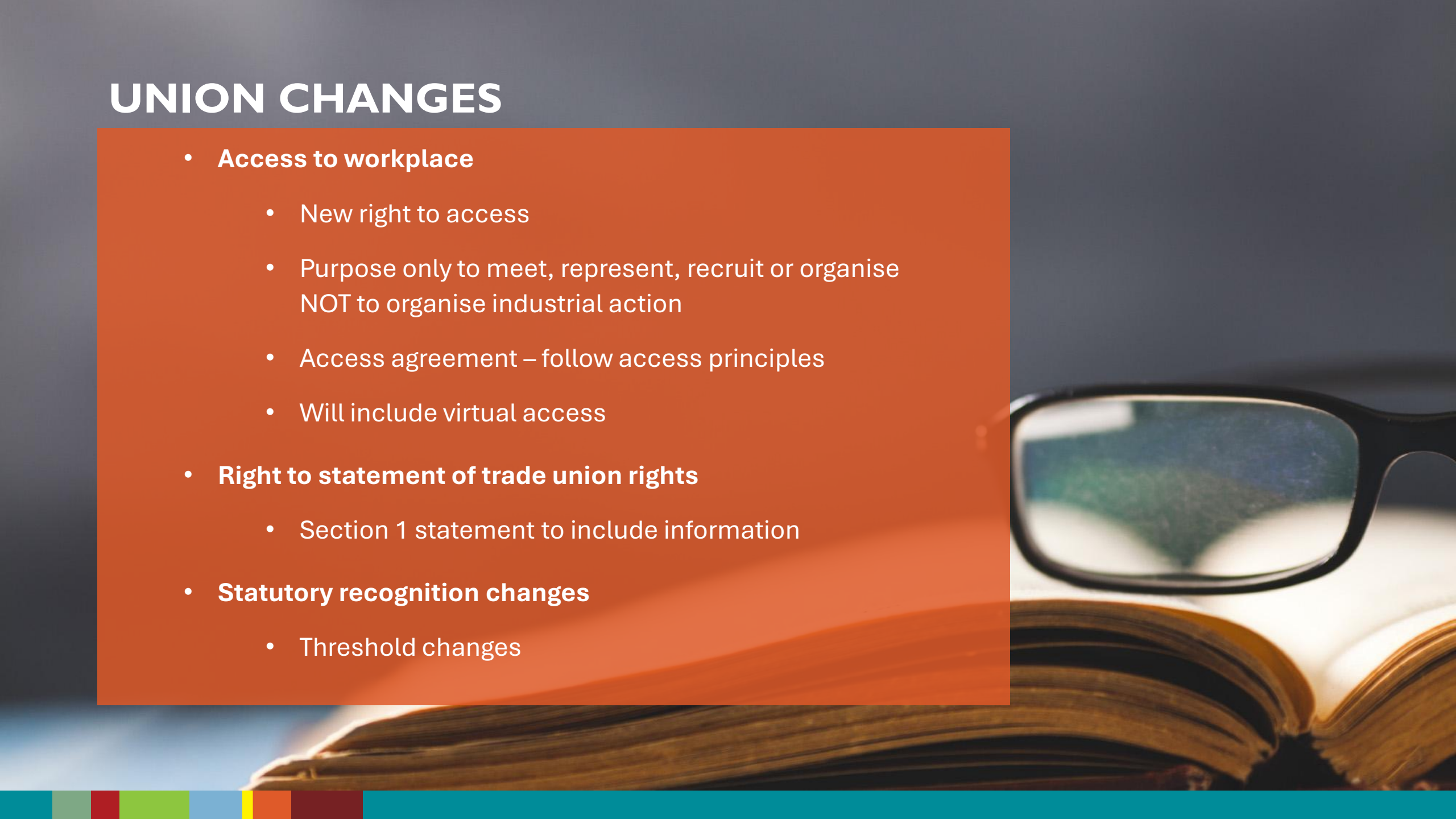
ZERO HOUR CONTRACTS AND SHIFTS



- Time frame?
  - Consultations in autumn 2025
  - Implementation 2027
- Preparation?
  - What will be the appetite amongst staff?
  - Are there ways to steer staff off these contracts?
  - Are there areas where cancelled shifts more prevalent?
  - Can this be avoided? Is it inevitable given work type?

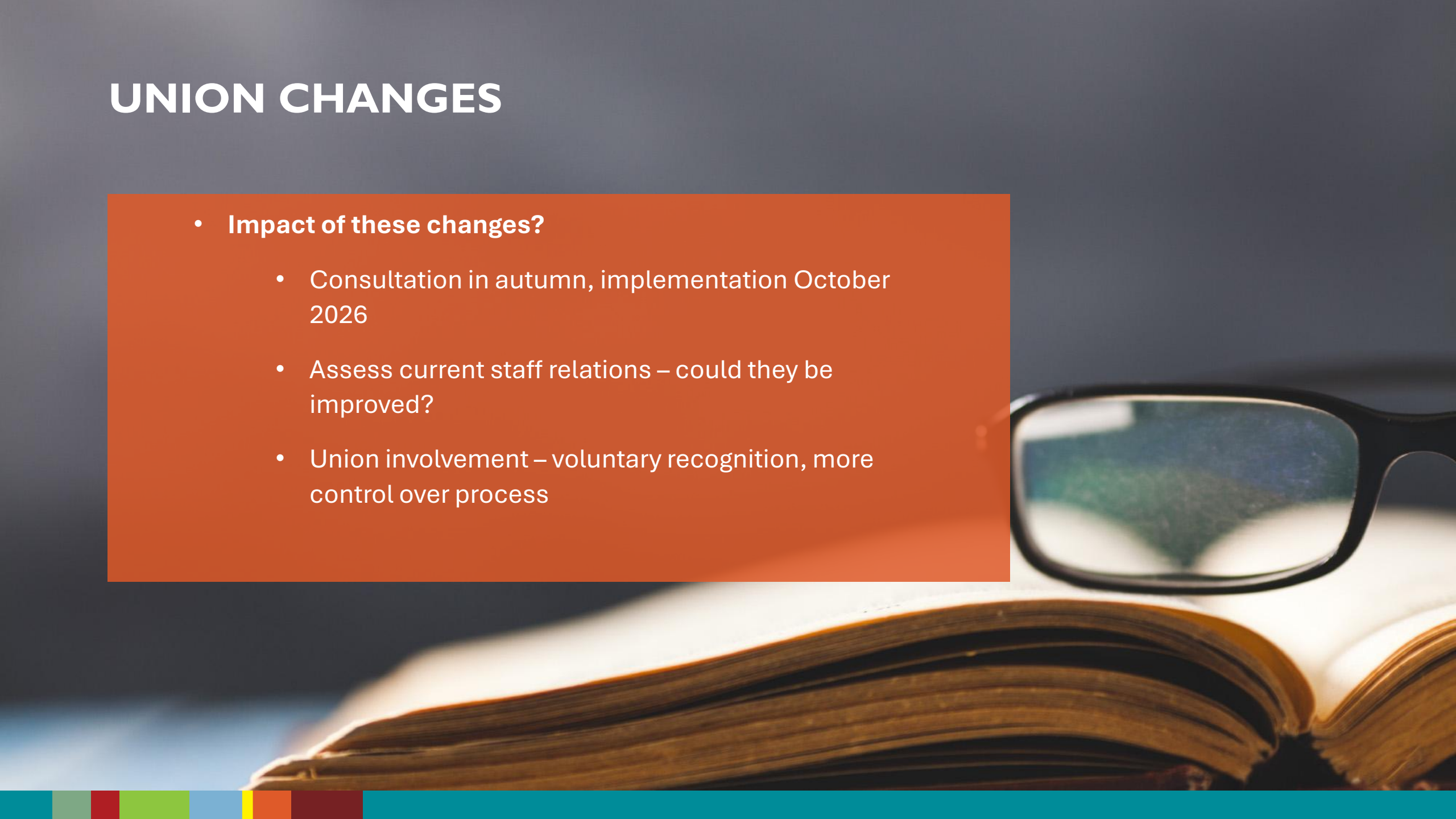
UNION CHANGES

- **Access to workplace**
  - New right to access
  - Purpose only to meet, represent, recruit or organise NOT to organise industrial action
  - Access agreement – follow access principles
  - Will include virtual access
- **Right to statement of trade union rights**
  - Section 1 statement to include information
- **Statutory recognition changes**
  - Threshold changes



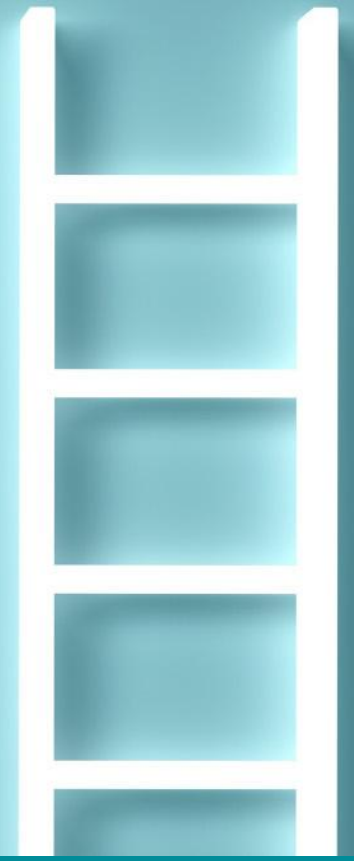
UNION CHANGES

- **Impact of these changes?**
  - Consultation in autumn, implementation October 2026
  - Assess current staff relations – could they be improved?
  - Union involvement – voluntary recognition, more control over process



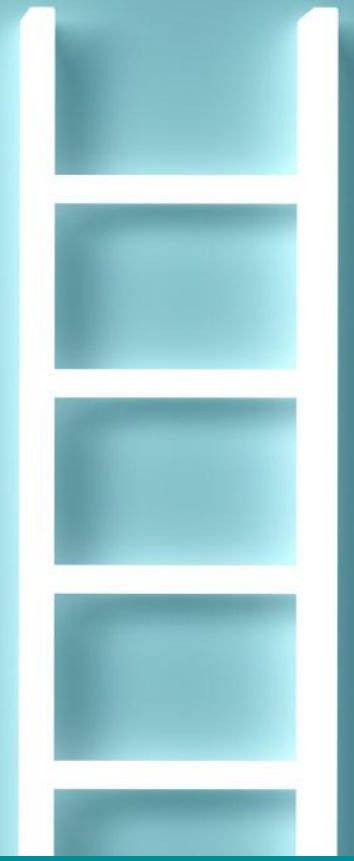
UNFAIR DISMISSAL: DAY ONE RIGHT

- No Qualifying Period: Employees can claim unfair dismissal from day one of employment.
- ‘Light Touch’ Procedure: For dismissals in the first nine months (expected), employers can use a simplified process for conduct, capability, illegality, or other employee-related reasons.
- Claims Still Possible: Employees can still bring unfair dismissal claims even during this initial period.
- Note the House of Lords change – unlikely to go through to final Act



UNFAIR DISMISSAL: DAY ONE RIGHT

- No implementation until 2027 – still gaps in framework
- Ensuring current probation policy and procedure used effectively
- Look at recruitment and retention – are there areas of concern



OTHER PROVISIONS

- **Fire and rehire**
  - “restricted variations”
  - Applies when try and replace worker with agency worker
  - In force October 2026
- **Statutory sick pay**
  - Removal of waiting days
  - Removal of LEL

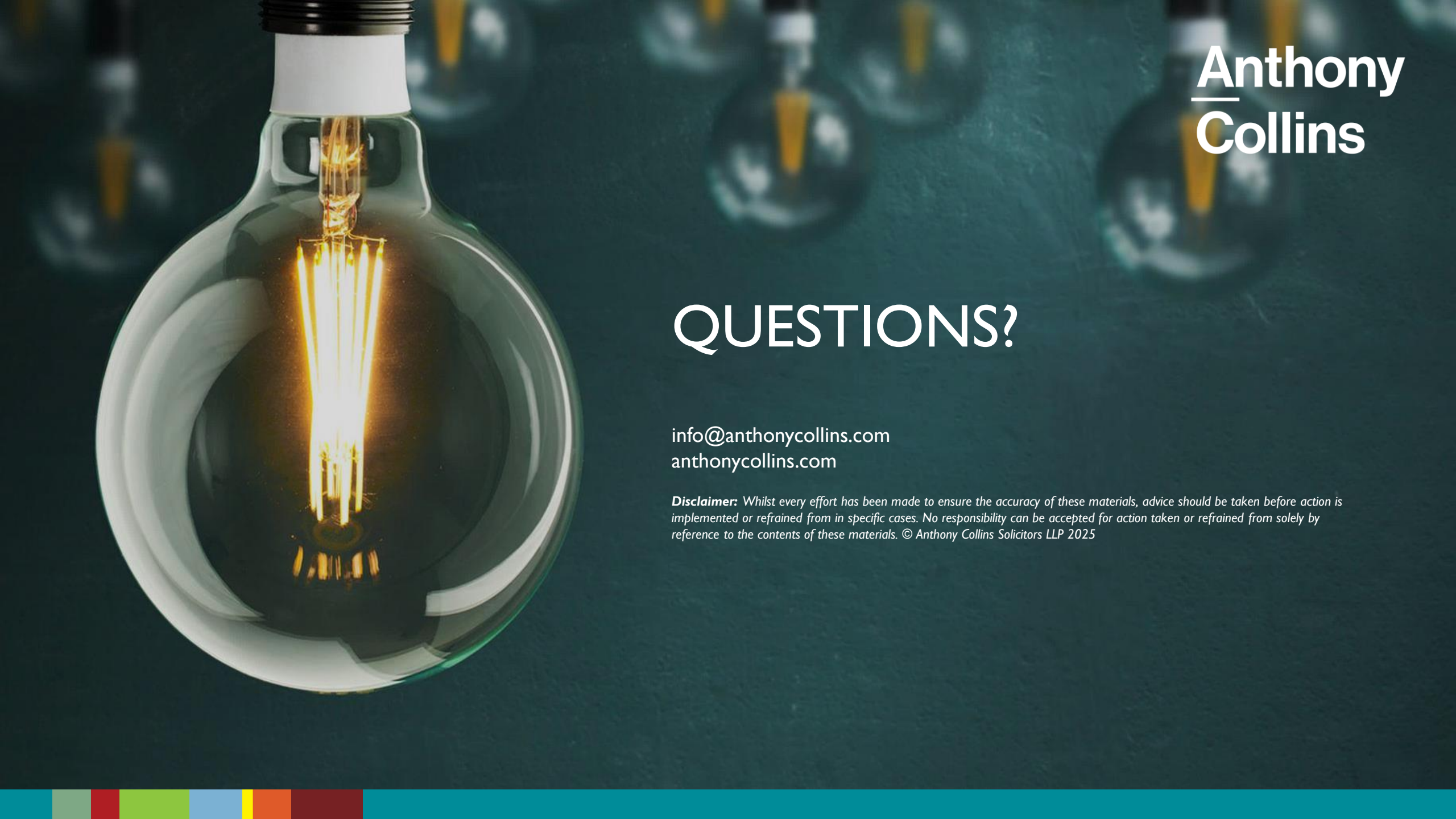
OTHER PROVISIONS

- **Duty to prevent sexual harassment**
  - Duty in force since October 2024
  - All reasonable steps – effective from October 2026
  - Third party harassment re introduced
- **Two tier code**
  - Staff on contracts to be given same terms
  - Impact on service provision transfers from local authorities ?
- **Launch of the Fair Work Authority (FWA)**

WORKING TOGETHER ?

- Stay informed
    - https://www.anthonycollins.com/employment-rights-bill-latest-updates/?landing-page=employment-rights-bill-latest-updates
- Get involved – look out for consultations
- Share knowledge and share understanding
- What about care contract going forward





Anthony Collins

QUESTIONS?

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