Employment Rights Bill: what are the latest changes and when will the Bill become law?

The Employment Rights Bill (**the Bill**) is currently in the final stages of progression through Parliament and is expected to become law in late 2025. The Bill is a significant development to UK employment rights and offers a broad range of new worker protections, including expansion of unfair dismissal rights, changes to Tribunal time limits, widening of access to family leave and strengthening of protections against harassment and discrimination.

On 15 September 2025, MPs considered the significant amendments to the Bill which had been put forward by the House of Lords and, as published on 16 September 2025, rejected the majority of the Lords' suggestions. This indicates a strong commitment to the original rights proposed by the Bill.

What are the implications of these changes?

As noted in a press release from the Government on 15 September 2025, the amendments proposed by the House of Lords were considered to dilute the protections offered to workers under the Bill and, as a result, have broadly been rejected by the House of Commons.

The most significant of the Lords' proposals was the removal

of protection against unfair dismissal as a planned ‘Day One’ right, and replacement of this with a reduced qualifying period of six months (compared to the current two years’ service requirement).

They had also proposed limiting the new obligation to offer guaranteed hours contracts to zero or low-hours workers to situations where the employee had made a request for such a contract, and allowing exceptions to this entitlement for those undertaking seasonal work.

Other amendments were additionally suggested to the right to be accompanied, whistleblowing protections and the planned trade union reforms.

All of these amendments were rejected, meaning that the stronger protections for employees as originally contemplated by the Bill have been reinstated – most notably the protection against unfair dismissal from the first day of employment.

However, two proposals were accepted to some extent by the Commons and will now feature in principle in the next version of the Bill. The effect of these changes is as follows:

- It has been confirmed that the prohibition of non-disclosure agreements (**NDAs**) concerning harassment and discrimination is accepted in principle by MPs, having been proposed as an amendment to the Bill by a Labour Peer earlier this year. It has also been clarified that

this prohibition will extend to concerns regarding a failure to make reasonable adjustments under the Equality Act 2010. Please see our full briefing here for further guidance on the effect of these changes on NDAs.

- A provision will be inserted requiring a review of the extent of the right to time off for public duties, including specifically whether employers should be required to permit time off for performing the functions of a special constable. This acknowledges the Lords' proposal to introduce a new express right to time off for special constables, but falls short of introducing such a right.

What's next for the Employment Rights Bill?

The Bill will now return to the House of Lords for consideration of the MPs' amendments, on a date yet to be scheduled. It will then progress to receiving Royal Assent this Autumn.

For an updated outline of the changes planned under the Employment Rights Bill and the expected timeline for implementation, please join our webinar "The Employment Rights Bill: Where are we now?" on 7 October 2025.

BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues relating to the content of this article, please contact Rose Lim (RoseLim@bdbf.co.uk), Amanda Steadman (AmandaSteadman@bdbf.co.uk) or your usual BDBF contact

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Rise in sexual harassment concerns: how can employers prepare for the Employment Rights Bill?

Recent research shows a 39% increase in sexual harassment concerns since the introduction of the "duty to prevent" sexual harassment in October 2024. With the Employment Rights Bill set to make that duty even more onerous, we explore the steps employers should take to put themselves in the best position to ensure compliance with the enhanced duty. We also consider other changes in the Bill relevant to sexual harassment at work.

As recently published on Law360, the volume of calls to ACAS about sexual harassment concerns has increased by 39% so far this year. According to figures obtained by Nockolds, ACAS received 5,583 calls in the first half of 2025 compared to 4,001 in the first half of 2024.

This increase is significant following the changes made to the

legal duties on employers to prevent sexual harassment in October 2024, and gives an important insight into rising employee awareness of their employer's responsibility to protect them.

What has led to this change?

In October 2024, the Equality Act 2010 was amended to introduce a duty on employers to take reasonable steps to prevent sexual harassment of their employees at work. This applies both to potential harassment from other workers and from third parties (such as customers or clients). The change sits alongside the pre-existing prohibitions against sexual harassment and related less favourable treatment, and places a proactive requirement on the employer to prevent their staff being subjected to unwanted conduct of a sexual nature in the course of their employment.

Failure to comply with this duty may lead to enforcement by the Equality and Human Rights Commission (**EHRC**) and/or an uplift of up to 25% to any related Employment Tribunal award made to the employee.

Whilst it is unclear whether the calls being made to ACAS relate directly to alleged failings on the part of employers to comply with this new duty, the significant increase in volume suggests that, at the very least, this legal change has encouraged employees to speak up about workplace harassment.

What is changing now?

As part of the widespread changes planned under the Employment Rights Bill, the employer duty to prevent sexual harassment will change from taking "reasonable steps" to taking "**all** reasonable steps". This is expected to come into force in October 2026, with further clarification of potential "reasonable steps" expected to come via regulations in 2027.

According to current guidance from the EHRC, the existing preventative duty to take "reasonable steps" requires employers to conduct a tailored risk assessment, anticipating when their workforce may be at risk of sexual harassment and identifying steps that are reasonable for them to take to prevent it. The test of what is 'reasonable' will be objective and consider factors such as the size and resources of the employer, the nature of the working environment (including exposure to third parties), and any concerns raised by the workforce or responses to previous incidents.

Under the new legislation, the employer duty is being 'upgraded' to mean that employers must show not just that they took reasonable steps, but that they took all of the steps which were reasonable for them to take. On a strict reading, this means that businesses will need to justify why any steps which were not taken would not have been reasonable, and that this 'reasonableness' assessment may be more open to challenge by employees.

It remains to be seen how Tribunals will treat this change, in particular the extent to which they will scrutinise commercial decisions made by the employer when determining what is reasonable for their workplace. However, it is expected that the approach will broadly mirror that taken to the existing "all reasonable steps" defence available to employers in response to acts of discrimination by employees, as set out in

the factsheet produced by the Department for Business and Trade. Particular attention will therefore be paid to the content and regularity of training, whether the employer had comprehensive policies in place (and whether those policies were enforced, including through disciplinary action), and what actions were taken in response to any complaints of harassment from staff.

What does this mean for employers?

In preparation for this new duty, employers should therefore now be considering what steps they have taken to prevent sexual harassment, if there any additional steps which might be reasonable for them to take, and be ready to defend not taking any steps which are identified but not considered viable.

Whilst employers may understandably feel apprehensive about scrutinising their own approach in this way or highlighting steps that they have chosen not to take, failing to document any learnings or the rationale for business decisions is likely to leave more room for employees to challenge whether all reasonable steps have been taken to protect them.

Practical steps for employers to take now could include:

- Revisiting the existing risk assessment for sexual harassment (or if none has yet been undertaken, doing so promptly).

- Reviewing where employees might be at particular risk of sexual harassment based on the sector, type of work undertaken and level of engagement with both other workers and third parties.

- Assessing the response taken to any incidents that have occurred, including any trends in complaints, appropriateness of any disciplinary actions taken, and whether any pre-emptive steps might have reduced the possibility of those incidents occurring.

- Engaging with employees or appropriate representatives at regular intervals to identify any concerns or areas of exposure, and obtaining their input on what actions they feel might protect them at work.

- Reiterating anti-harassment policies and ensuring that regular mandatory training is delivered on both policies and reporting procedures.

- Displaying signage to raise both colleague and third party awareness of the workplace not tolerating sexual harassment.

- Documenting any steps which have been identified but which have not been taken, including why those steps would not have been reasonable for their particular business to take.

How does this fit into the wider landscape?

The upgraded employer duty to prevent sexual harassment is one of numerous significant changes planned for UK employment law under the Employment Rights Bill.

Most notably in relation to sexual harassment, the latest draft of the Bill proposes to ban non-disclosure agreements (**NDAs**) which prevent employees from speaking out about harassment (including sexual harassment) and discrimination. This includes confidentiality provisions in employment agreements and settlement agreements, and is covered in more detail in our latest update here. The Bill also will clarify that raising concerns of sexual harassment can be a protected disclosure for the purposes of whistleblowing protections under the Employment Rights Act 1996.

In addition, employers will become liable under the Bill for harassment of their employees by third parties based on other protected characteristics such as race, disability and religion, under a similar "all reasonable steps" duty. Businesses would therefore be wise to consider these other types of harassment when looking at the reasonable steps they can take to protect their staff from sexual harassment, and ensure that any changes they make comprehensively consider the risks that their employees might be exposed to in the workplace.

For a comprehensive insight into the key changes planned under the Employment Rights Bill, please join our webinar "The Employment Rights Bill: Where are we now?" on 7 October 2025.

BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues relating to the content of this article, please contact Rose

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Victims and Prisoners Act 2024: changes to non-disclosure agreements effective 1 October 2025

On 1 October 2025, new legislation will come into force affecting the use of non-disclosure agreements (**NDAs**) in England and Wales.

Below, we set out a brief reminder of the current position on NDAs and the changes of which employers should be immediately aware. For further background on these changes, and for full information on the broader changes to NDAs expected under the Employment Rights Bill, see our full briefing here).

What is the current law on NDAs?

NDAs have become an increasingly common feature of employment related agreements, often used as part of settlement agreements on an employee's exit or to otherwise bring disputes to a close. From both an employer and employee's perspective, they can provide security regarding the use of confidential information and the privacy of a dispute, in many

cases providing much needed closure for those involved. However, campaigns have highlighted concerns that such provisions are being misused to silence victims of serious workplace misconduct or cover up other wrongdoing.

Whilst the existing law prevents NDAs from prohibiting individuals from whistleblowing, or from making disclosures to the police and/or regulatory bodies where the complaint relates to a criminal offence, their use is otherwise broadly unregulated.

What is changing on 1 October 2025?

Under the Victims and Prisoners Act 2024, individuals will be able to make a "permitted disclosure" in specified circumstances, even if they signed an NDA that would ordinarily prevent their doing so. To the extent that the NDA purports to restrict this, the relevant term will be void..

This will come into force on 1 October 2025 and apply to all NDAs that are signed on or after that date. NDAs that already exist or which are signed before this date will not be caught.

What is a permitted disclosure?

A "permitted disclosure" is a disclosure made by a "victim of crime" (or a person who reasonably believes that they have been a victim of a crime) about criminal conduct, where that disclosure is made to certain specified persons or regulatory bodies.

A “victim of crime” means someone who has suffered harm as a direct result of being subjected to conduct constituting a criminal offence in England and Wales, or as a direct result of witnessing the criminal conduct. There are also other limited categories of connection with the criminal conduct, concerning familial relationships. The offence in question does not have to have been reported and no charge or conviction is required to have occurred. The harm suffered can be physical, mental, emotional or economic.

The specified categories to whom a permitted disclosure can be made about the relevant conduct are:

- Law enforcement.
- Qualified lawyers.
- Any regulated professional or regulator of professionals.
- Victim support services.
- Any individuals who are authorised to receive information on behalf of the above categories.
- Any child, parent or partner of the individual making the disclosure.

In each case, the disclosure is only a qualifying permitted disclosure where it relates to the relevant criminal conduct and is made for the purposes of obtaining support from the relevant function (or, where relevant, co-operating with their functions). For instance, sharing information with a qualified lawyer will only be a permitted disclosure where it is for the purpose of seeking legal advice about the relevant conduct. Where the recipient is a child, parent or partner, the disclosure must be for the purposes of obtaining support from that person.

Importantly, an NDA will not be prohibited to the extent that it precludes disclosures made for the primary purpose of releasing information into the public domain, for example to the media.

What does this mean for employers?

In many cases, employers are already prepared for employees not to be bound by NDAs when it comes to criminal or potentially criminal conduct. Such cases would often already be caught by whistleblowing exceptions. Further, any NDAs negotiated by legal advisers must not prohibit reports to professional advisers, co-operation with a criminal investigation or reports to regulatory bodies and law enforcement agencies.

However, there are some important differences between the current restrictions and those which will be in force from 1 October 2025. Employers should particularly bear in mind the following:

- A worker may be considered a victim where they have been, or reasonably believe they have been, subject of criminal conduct. In the workplace, this could include serious acts of harassment (including sexual harassment), theft, violence or fraud. Any witnesses to such conduct would also be included, and the fact that no police report was ever made will not affect their protection. This could capture a broader range of individuals than employers may anticipate, particularly in cases of unproven allegations or disputed accounts of events.

- Unlike in the existing whistleblowing exceptions, there is no requirement for the permitted disclosure to be made in the 'public interest'. This broadens the scope of what can be permissibly shared, particularly where information is shared for the purposes of obtaining legal, medical or personal support. Disclosure of criminal conduct to any of the regulatory categories of recipient is generally likely in any case to be in the public interest.

In light of these changes, employers will therefore need to review their current confidentiality clauses such as those contained in settlement agreements, employment contracts and any stand-alone NDAs, and remove (or clarify) any provisions that appear to preclude permitted disclosures under this new

legislation.

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BDBF shortlisted for Senior Executive Team of the Year and Boutique Law Firm of the Year at IEL Awards 2025

BDBF has been shortlisted as a finalist for Senior Executive Team of the Year and Boutique Law Firm of the Year at the prestigious IEL (International Employment Lawyer) Awards 2025.

These global awards celebrate the best of private practice and in-house teams, recognising excellence in employment law worldwide. Being shortlisted is recognition of our team's dedication to our clients, expertise, and passion for delivering brilliant and creative legal solutions.

Winners will be announced at an award ceremony in London on 19 November 2025.

LUNCHTIME WEBINAR – The Employment Rights Bill: Where are we now?

LUNCHTIME WEBINAR – 7 October 2025

Published a year ago, the landmark Employment Rights Bill is now on the brink of becoming law, poised to reshape the workplace landscape in the most significant overhaul in a generation. In our upcoming lunchtime webinar, Principal Knowledge Lawyer Amanda Steadman and Associate Esmat Faiz will unpack the new law, guide you through the most important changes made over the past 12 months and explain what it all means for employers.

Topics will include:

- New Day 1 unfair dismissal rights and the introduction of a statutory probationary period.
- Expanded consultation obligations for collective redundancies and increased protective awards.
- Tighter restrictions on fire-and-rehire practices.
- Extended protections against dismissal during pregnancy and following family leave.
- Enhanced employer duties to prevent sexual harassment.
- New liability for discriminatory harassment by third parties.
- Ban on NDAs that restrict disclosure of discrimination or harassment.
- Mandatory equality action plans covering gender pay and menopause.
- Tougher rules for rejecting flexible working requests.
- Broadened rights to family leave.

- Longer time limits for bringing Employment Tribunal claims.

Date: Tuesday, 7 October 2025

Time: 12.00pm-1.00pm

Click here to register

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The Employment Rights Bill: Where are we now?

BDBF Lunchtime webinar: 7 October 2025

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- Longer time limits for bringing Employment Tribunal claims.

Date: Tuesday, 7 October 2025
Time: 12:00pm - 1:00pm

Please click here to register for the webinar

Gareth Brahams speaking at White Paper conference on 18 September 2025

On 18 September 2025, BDBF's Managing Partner, Gareth Brahams will be speaking at "Dismissal for HR: Shaping New Developments into Solution-Focused Answers for Employers," a conference organised by White Paper. The session will address navigating suspected neurodivergence as a factor in an employee's performance or behaviour, including strategies for encouraging a diagnosis and managing challenges posed by lengthy NHS waiting lists.

Register here

Gareth Brahams recognised in Spear’s Employment Lawyers Index 2025

BDBF Managing Partner Gareth Brahams has been named in the prestigious Spear’s Magazine Employment Lawyers Index 2025. Renowned for his razor-sharp expertise, Gareth is celebrated for fearlessly championing clients in high-stakes discrimination and whistleblowing cases, as well as navigating complex sexual harassment disputes, securing seamless severances and crafting bespoke exit packages.

Gareth is a trusted advisor to high-net-worth individuals, including top-tier bankers, C-suite executives, asset managers, law firm partners and entrepreneurs. His ability to deliver results for these high-net-worth individuals has cemented his reputation as a go-to legal powerhouse.

Congratulations to all of those listed by Spear's 2025. Read more here.

Misleading employees can

amount to a repudiatory breach of contract

Wainwright v Cennox Plc **concerned an employee who resigned after discovering she had been misled about whether she had been replaced on a permanent or temporary basis during cancer-related sick leave and claimed constructive unfair dismissal and discriminatory dismissal. The Employment Appeal Tribunal found that the Employment Tribunal had strayed in its analysis and reasoning by failing to consider whether the employer's discriminatory acts, including providing misleading information, amounted to fundamental breaches of contract that contributed to her resignation.**

What happened in this case?

The Claimant was diagnosed with cancer and went on sick leave for treatment. While she was absent, the employer appointed a colleague to her role on a permanent basis but told the Claimant that this was only a temporary arrangement. The Claimant discovered that the replacement was permanent and that her own job title and responsibilities had been altered, which she perceived as a demotion. Following disputes over her role, the handling of a grievance she raised, and her treatment during her illness, she resigned.

She brought constructive unfair dismissal and disability discrimination claims, including that the dismissal itself was discriminatory. The Employment Tribunal upheld part of her discrimination claim but dismissed her claims in relation to the dismissal (including that her dismissal was

discriminatory).

The Claimant appealed to the Employment Appeal Tribunal (**EAT**) in relation to the decision to dismiss her claims for constructive dismissal and discriminatory dismissal.

What was decided?

The EAT upheld the appeal and remitted it to a differently constituted Tribunal to be reconsidered.

The EAT held that the Tribunal had gone wrong in both its analysis and its reasoning in determining the constructive unfair dismissal and discriminatory dismissal claims.

The Tribunal had accepted that discriminatory acts occurred, but had failed to explain adequately why these did not also amount to repudiatory breaches of contract, or form part of Ms Wainwright's reasons for resigning. Given that her resignation letter and witness evidence referred directly to those acts, the EAT said an explanation was required.

The Tribunal had also misapplied the law by assuming that there could only be one cause of resignation. It did not consider whether the discriminatory acts were repudiatory breaches or whether they materially contributed to the Claimant's resignation.

The EAT further held that the Tribunal had failed to analyse whether misleading the Claimant about whether her replacement

was permanent or temporary could itself amount to a breach of the implied term of trust and confidence. The EAT noted that providing untrue statements can be a contractual breach and should have been addressed.

What does this mean for employers?

This decision offers a number of key learning points for employers:

- **Handle reorganisations carefully**: where roles are restructured during an employee's sickness absence, consult openly, explain business reasons clearly, and avoid actions that could reasonably be seen as sidelining or demoting the individual.

- **Adopt a transparent and honest approach: e**ven where an employer believes it is acting protectively or "softening the blow" for employees, providing inaccurate or misleading information may amount to a repudiatory breach of contract allowing employees to treat themselves as constructively dismissed.

- **There can be multiple reasons for resignation**: an employee may resign for more than one reason. Employers should be aware that discriminatory treatment, even if not the only factor, may still materially contribute to the resignation and lead to liability on the employer's part.

- **Address grievances promptly and fairly**: delays or poor handling of grievances may increase the risk of constructive dismissal claims.

Wainwright v Cennox Plc

BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues relating to the content of this article, please contact Emma Burroughs (emmaburroughs@bdbf.co.uk), Amanda Steadman (AmandaSteadman@bdbf.co.uk) or your usual BDBF contact.

Employer's correspondence with lawyer could not be relied upon by Claimant under the iniquity exception to legal privilege

In Shawcross v SMG Europe Holdings Ltd and ors, Ms Shawcross argued that email correspondence between her former employer and its legal advisers, which she had been accidentally copied into, was not legally privileged meaning she could rely on it to support her claim.

What happened in the case?

The Claimant was dismissed by SMG Europe Holdings Ltd (**SMGEH**) on 28 April 2023. Two days prior to her dismissal, the Claimant was copied into an email chain between SMGEH and its legal advisers by mistake. There were seven emails in the chain, one of which had a draft dismissal letter attached to it. The dismissal letter had been drafted by SMGEH's solicitors. All of the emails were sent on either 25 or 26 April 2023.

The Claimant claimed that her dismissal was, amongst other things, an act of victimisation for having raised a grievance on 29 November 2022. She sought to rely on the email chain in support of her victimisation claim. Specifically, the Claimant argued that the emails contained a discussion about fabricating the reason for her dismissal and disguising the true identity of the dismissal decision-maker.

SMGEH argued that the emails were subject to legal advice privilege, since they were communications between SMGEH and its solicitors. The Claimant argued that legal advice privilege did not apply to the emails because they fell within the "iniquity exception". The iniquity exception to legal advice privilege arises where correspondence has come into existence in furtherance of fraud, crime or other iniquity.

What was decided?

In the first instance, the Employment Judge held that, on the balance of probabilities, the emails were not evidence of iniquitous conduct. As such, the iniquity exception was not

engaged, and the emails remained subject to legal advice privilege and could not be relied upon by the Claimant.

The Claimant appealed to the EAT. She argued that the emails showed that her dismissal was a sham and that the decision to dismiss had been taken by 25 April 2023, meaning the Judge had erred in law in finding that the iniquity exception did not apply.

The EAT dismissed the appeal. It held that the Employment Judge had not erred in law in finding that the iniquity exception did not apply, as he had carefully scrutinised the terms of the correspondence as a whole before reaching his decision.

The EAT also made substantive findings as to the nature of the emails. It found that SMGEH's solicitors had provided advice on the risks that the dismissal might be considered unfair or an act of victimisation, but that there was no mention in any of the emails that the Claimant's grievance formed part of the decision to dismiss her. Therefore, read as a whole, the emails were properly characterised as legal advice provided that SMGEH should review the decision to dismiss the Claimant as it would need to be able to justify the decision before an employment tribunal if necessary.

Further, the EAT said that even if the emails *had* shown that SMGEH and its solicitors considered there to be an overwhelming likelihood that the Claimant would be dismissed, this would not have crossed the threshold required to establish the iniquity exception. This was said to be the sort of advice which employment lawyers regularly give to their clients and which falls within the normal scope of

professional engagement.

The EAT also agreed with the Employment Judge's observation that the advice contained in these emails was similar in nature to the advice in *Curless v Shell International Ltd*. In that case, the emails in question related to whether an individual who had submitted a disability discrimination claim could be dismissed on the grounds of redundancy. Similarly to the correspondence in this case, those emails were considered to be the sort of day-to-day advice which employment lawyers provide to their clients and the iniquity exception did not apply.

What does this mean for employers?

As a general comment, employers should be careful to ensure that legal advice and other potentially sensitive correspondence is not inadvertently forwarded to unintended recipients to avoid this situation arising in the first place.

This case also highlights that the threshold for establishing the iniquity exception is high. Therefore, correspondence between employers and their legal representatives will be subject to legal advice privilege in the majority of cases, provided the advice cannot be seen to be fabricating a position or acting in a genuinely underhand or iniquitous way.

As such, employers should continue to feel comfortable discussing tricky areas of employment law with their advisers, including consulting advisers on decisions to dismiss employees. In fact, consulting with specialist employment advisers who understand the complexities of the law is usually

the most advisable way forward to mitigate an employer's risks.

Shawcross v SMG Europe Holdings Ltd and ors

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Lifelong anonymity granted in Tribunal proceedings where Claimant had made an earlier allegation of sexual offences in unrelated proceedings

In the case of *AYZ v BZA*, the EAT granted lifelong anonymity to the Claimant in circumstances where she had filed a police report alleging a sexual assault by the Respondent in earlier unrelated proceedings. The EAT was persuaded that this was necessary to comply with the requirements of section 1 of the Sexual Offences (Amendment) Act 1992 (SOAA).

What happened in this case?

The Claimant sought anonymity in Employment Tribunal proceedings. The Employment Judge denied the application on the basis that it would derogate from the principle of open justice. However, in reaching that decision, the Judge was not aware that the Claimant had previously made a report to the police that she had been sexually assaulted by the Respondent. The allegation concerned events that were not related to the Employment Tribunal proceedings.

The Claimant appealed to the EAT on the basis that she should be granted lifelong anonymity in relation to the Employment Tribunal and EAT proceedings according to section 1 of SOAA. She argued that lifelong anonymity was necessary because she had reported an allegation of a sexual offence to the police. Without anonymisation in both the Employment Tribunal and EAT proceedings, there was a significant risk that a keen-eyed reader of the judgments may be able to piece together relevant information to ascertain her identity and/or the Respondent's identity.

What was decided?

The EAT decided to grant permanent anonymity to the Claimant in both the Employment Tribunal and EAT proceedings.

This decision was based on the requirements of section 1 of SOAA which mandates anonymity for those who have made allegations of certain sexual offences covered by the Act. Even though the Respondent had not been questioned, arrested or charged, the Claimant's complaint still amounted to an "allegation" of a relevant sexual offence.

The EAT concluded that the only way to ensure compliance with SOAA was to anonymise the Claimant's name in all related proceedings, even though this meant she was gaining permanent anonymity through a "side-wind".

In reaching its decision, the EAT was also keen to point out that it considered the Employment Judge's decision correct based on the circumstances of the case as it stood at the time. However, the new information about the police report, when read alongside other case law, meant that the EAT was compelled to grant permanent anonymity.

What does this mean for employers?

For employers, this case underscores the importance of understanding the legal requirements for anonymity in cases involving allegations of sexual offences. Employers should be aware that even where an allegation is not part of the Employment Tribunal proceedings, it may still impact those proceedings if it involves a sexual offence.

The case highlights the need for employers to handle such allegations with sensitivity and in compliance with legal standards to protect the identities of those involved.

AYZ v BZA

BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues relating to the content of this article, please contact James Hockley (JamesHockley@bdbf.co.uk) or Amanda Steadman

(AmandaSteadman@bdbf.co.uk) or your usual BDBF contact.

The unpaid intern-ship: sailing or sinking?

Last month the Government launched a Call for Evidence on unpaid internships and other similar roles, such as voluntary roles, unpaid work trials and work shadowing, to identify whether Government action is needed to ensure compliance with National Minimum Wage law.

What is the Call for Evidence about?

Currently, there is no legal definition of the term "intern" or of similar types of roles such as "trial work period", "volunteer" or "work shadowing". Historically, many employers have not paid individuals for carrying out internships and similar roles. However, where someone performing such a role meets the legal definition of "worker", they are entitled to be paid at least the National Minimum Wage and benefit from certain other basic employment rights.

The Government is concerned that some employers are not complying with the law and misclassifying interns and possibly others in order to avoid making payment. The Government has said it wishes to crack down on non-compliance with the National Minimum Wage legislation.

In October 2024, the Government published Next Steps to Make Work Pay, which set out plans to take forward workplace law reform commitments not covered by the Employment Rights Bill. This included a promise to issue a Call for Evidence on unpaid internships.

On 17 July 2025, the Government published the promised Call for Evidence, which seeks to understand the circumstances in which interns are not paid (or paid below the National Minimum Wage) and the reasons for this. Evidence is also sought on how similar roles operate in practice (namely, work trials, voluntary work, volunteers and work shadowing) in order to understand whether further work is required to ensure compliance with the law.

The Call for Evidence sets out various questions for employers including asking for the reasons for not paying an intern and whether unpaid internships (or those paid below the National Minimum Wage) should simply be banned altogether.

What does this mean for employers?

Currently, this is just a Call for Evidence, so employers will not be affected for some time. However, it is implied that after the evidence has been reviewed there will be some reform on internships. Businesses who offer such roles should, therefore, keep track of further developments in this area.

The Call for Evidence closes on 9 October 2025, with the Government's response expected early in 2026.

Call for Evidence on Unpaid Internships

With thanks to our work experience student, Shaan Kailey, for his assistance in producing this article.

BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues relating to the content of this article, please contact Amanda Steadman (AmandaSteadman@bdbf.co.uk) or your usual BDBF contact.

Government launches 18-month long review of the UK's parental leave and pay framework

On 1 July 2025, the Government launched a wholesale review of the UK's parental leave framework, covering all existing leave and pay rights. Although the review is expected to run until December 2026, the Call for Evidence from stakeholders closes in August 2025.

Aims of the review

The Government recognises that the existing system of parental

leave and pay entitlements have grown incrementally over time. The end result is a complex legislative framework of leave and pay entitlements that were never designed to operate as a single system. This piecemeal approach also means that an overarching set of objectives for the system has not been articulated before. The review is said to be an opportunity to reset the approach.

The Government's Terms of Reference for the review states that its aims are to:

- articulate the objectives for the parental leave and pay system;
- expand the existing evidence base and understanding of the current system;
- consider the options and principles for a system of parental leave and pay that better supports the Government's objectives; and
- develop a roadmap for how to move to a system that better supports those objectives.

In turn, the objectives against which the Government will assess the parental leave system are prioritising maternal health, supporting economic growth through labour market participation (thereby reducing the gender pay gap and the "motherhood penalty"), ensuring children have the best start

in life and supporting parents to make balanced childcare choices, including co-parenting.

All current and upcoming parental leave and pay entitlements will be in the scope of the review, including maternity, paternity, adoption, shared parental, parental bereavement and neonatal care leave and pay. It will also cover unpaid parental leave, maternity allowance and the forthcoming right to bereaved partner's paternity leave. The review will also consider the needs of those who do not qualify for existing leave and pay entitlements, such as "kinship" carers and the self-employed.

The Call for Evidence

To inform the work of the review, the Government has published a Call for Evidence to receive information and evidence from a variety of stakeholders including businesses and parents. Specifically, the Call for Evidence is seeking views on the Government's objectives (as outlined in the Terms of Reference) and whether the existing parental leave framework meets these objectives. It also asks whether further objectives should be added, and which objectives are the most important.

There is a particular focus on receiving new information and evidence which has not previously been shared with the Government. To this end, a summary of existing evidence has also been published alongside the Call for Evidence. Amongst other things, this reveals that 83% of mothers took maternity leave, with the average length of leave being 44 weeks. 70% of mothers received statutory maternity pay and just 13% received enhanced maternity pay from their employer. In

contrast, 59% of fathers took paternity leave, with the average length of leave being 1.7 weeks. Over half of those who took paternity leave received full pay from their employer (which is perhaps unsurprising given its short length). A further 4% of fathers took shared parental leave for an average of 14 weeks. Financial constraints were reported as the biggest barrier to taking leave.

Although the review is open for 18 months, the Call for Evidence itself is only open for just under two months, closing on 26 August 2025.

Next steps?

The review is expected to run for 18 months until 31 December 2026. The Government then plans to release a set of findings, together with a roadmap of future reforms. Accordingly, the earliest that we can expect to see any changes to the current system would be mid to late 2027.

Employers (and other stakeholders) are encouraged to participate in the review. It is said that *"Government convened round tables"* will be held, providing the opportunity to contribute views and expertise. Employers may also submit written responses to the Call for Evidence – this can be done online or by email before 26 August 2025.

Parental leave and pay review – 1 July 2025

BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues

relating to the content of this article, please contact Amanda Steadman (AmandaSteadman@bdbf.co.uk) or your usual BDBF contact.