

# The Employment Rights Bill: a closer look at the remaining provisions of the Bill and at what else is promised

On 10 October 2024, the Government published the Employment Rights Bill, which will take forward many of its proposals for workplace reform. In the final article in our series analysing the Bill, we consider the remaining proposals in the Bill and what else is promised.

Running to more than 150 pages, the [Employment Rights Bill](#) (the Bill) puts forward a vast array of reforms affecting the workplace, including family-friendly rights, dismissals, equality law, contracts and pay, trade unions and industrial action and labour market enforcement. In the final article in our series of articles explaining the Bill, we sweep up what else is covered by the Bill and consider what else has been promised by the Labour Government.

## What else is covered in the Bill?

In our previous five articles we have discussed the core provisions of interest for most employers across all sectors as follows:

- [Article 1: Family-friendly provisions.](#)

- [Article 2: Dismissal-related provisions.](#)
  
- [Article 3: Equality law provisions.](#)
  
- [Article 4: Contract and pay provisions.](#)
  
- [Article 5: Enforcement provisions.](#)

To complete the picture, we have rounded up below the other areas covered by the Bill, some of which are sector-specific.

| <b>Area</b>                  | <b>Bill proposal</b>  |
|------------------------------|---|
| <b>Public sector workers</b> | A power to make regulations to protect workers who are outsourced from the public sector.   |
| <b>Ships' crews</b>          | Some fine-tuning amendments to the notification rules in certain collective redundancies involving ships' crews.<br>In addition, measures to strengthen seafarers' rights at sea and implement international conventions on seafarers' employment will be added to the Bill by way of an amendment as it progresses through Parliament. |
| <b>School support staff</b>  | Provisions reinstating the "School Support Staff Negotiating Body", a body which will have the power to negotiate on the pay and conditions of affected workers.  |

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| <b>Adult social care workers</b> | Provisions introducing a “Fair Pay Agreement” in the adult social care sector and giving the Government the power to establish an “Adult Social Care Negotiating Body”, which will have the power to negotiate on the pay and conditions of affected workers. A consultation on how the Fair Pay Agreement should work will be launched soon.   |
| <b>Trade unions</b>              | Provisions aimed at strengthening trade unions including: <ul style="list-style-type: none"><li>• requiring employers to notify workers of their right to join a trade union in writing when they start employment and at other times (you can read more about this <a href="#">here</a>);</li><li>• enhancing the rights of trade unions to access workplaces for the purpose of meeting, recruiting and organising workers and facilitating collective bargaining;</li><li>• simplifying the process for trade union recognition;</li><li>• repealing rules which impeded the financing of trade unions; and</li><li>• repealing or amending existing laws governing industrial action (for example, in relation to balloting, voting and the giving of notice of industrial action) with the aim of making it easier for trade unions to call such action.</li></ul> |

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| <b>Workers involved in trade union activities</b> | <p>Provisions aimed at strengthening protection for workers involved in trade union activities including:</p> <ul style="list-style-type: none"> <li>• improved access to facilities for trade union representatives taking time off to carry out their duties;</li> <li>• modernising the existing law on blacklisting to protect more people from blacklisting due to their trade union membership or activity;</li> <li>• introducing protection from detriment for having taken part in industrial action; and</li> <li>• removing the cap on the number of weeks for which an employee is protected from dismissal for taking part in industrial action (i.e. the first 12 weeks), meaning they will be protected throughout.</li> </ul> |
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### **Beyond the Bill: what else is promised?**

The Government's appetite for employment law reform does not end with the Bill. The [Next Steps to Make Work Pay](#) document issued alongside the Bill sets out the plans to take forward the remaining Manifesto commitments on workplace law reform. The table below summarises the position.

| <b>Manifesto commitment</b>                | <b>Next steps?</b>   |
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| <b>Improving the National Minimum Wage</b> | <p>The Government has already widened the remit of the Low Pay Commission (the <b>LPC</b>) and the LPC's recommendations for the new rates to apply from April 2025 are expected shortly. You can read more about this <a href="#">here</a>.</p> |

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| <p><b>Extending the time limit for statutory Employment Tribunal claims from three to six months</b></p> | <p>It is stated that this will be introduced by way an <b>amendment to the Bill</b> as it progresses through Parliament.</p>  |
| <p><b>Strengthening and expanding equal pay and pay reporting laws</b></p>                               | <p>A new <b>Equality (Race and Disability) Bill</b> will:</p> <ul style="list-style-type: none"> <li>• introduce ethnicity and disability pay gap reporting for employers with 250 or more staff;</li> <li>• introduce the right to bring equal pay claims on the basis of race or disability;</li> <li>• introduce measures on equal pay, including permitting comparisons with outsourced workers; and</li> <li>• introducing a new regulatory and enforcement unit for equal pay.</li> </ul> <p>A draft Bill is expected to be published in this Parliamentary session for “pre-legislative scrutiny” and public consultation on the proposals will begin in due course.</p> |
| <p><b>Introducing a “right to switch off”</b></p>  | <p>A new <b>statutory Code of Practice</b> will address the right to switch off, rather than endowing workers with a statutory right to do so. We can expect a public consultation on the draft Code before it comes into force.</p>  |
| <p><b>Regulating employee surveillance</b></p>   | <p>A <b>consultation</b> on workplace surveillance technologies has been promised.</p>  |
| <p><b>Introducing a single worker status</b></p>   | <p>A <b>consultation</b> on introducing a single worker status has been promised.</p>   |

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| <b>Better rights for the self-employed</b>          | This will be addressed as part of the <b>consultation</b> on introducing a single worker status.  |
| <b>Reviewing the parental leave framework</b>       | A <b>review</b> will be undertaken.   |
| <b>Reviewing the right to carer's leave</b>         | A <b>review</b> will be undertaken.   |
| <b>Reviewing health and safety law and guidance</b> | A <b>review</b> will be conducted " <i>in due course</i> ". Among other things, the review will consider neurodiversity, extreme temperatures and Long Covid. |
| <b>Improving TUPE rights and protections</b>        | A <b>call for evidence</b> will be launched to examine a " <i>wide variety of issues</i> ".   |
| <b>Banning unpaid internships</b>                   | A <b>call for evidence</b> will be launched by the end of 2024.   |
| <b>Permitting collective grievances</b>             | The Government will <b>engage with Acas</b> about how to facilitate the raising of collective grievances.   |
| <b>Employer guidance on the menopause at work</b>   | It is stated that this will be delivered but no further detail is given.  |

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