



# Preparing for the Employment Rights Bill: What's changing

# There's a lot of talk about The Employment Rights Bill, but what do you need to do?

The Employment Rights Bill introduces a comprehensive array of reforms, designed to reshape employment practices in the UK.

Spread across 158 pages, these changes span 28 critical areas, and businesses must prepare to adapt their policies accordingly. While the finer details are still being shaped through consultations and secondary legislation, now is the time for proactive preparation. We've set out an overview of the key areas requiring attention, including actionable steps for businesses.

## 1. Revising Probationary Policies

### What's Changing?

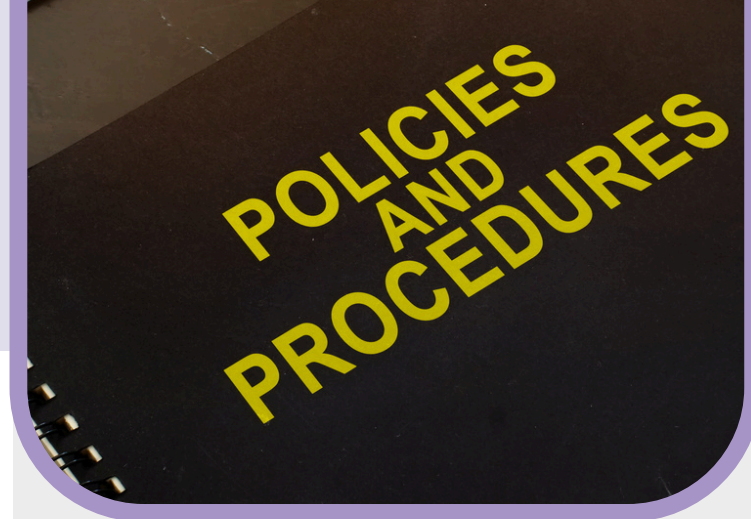
A statutory probationary period, the 'initial period of employment' will be introduced, simplifying the dismissal process during this timeframe.

### Action Steps:

- Define the statutory probationary period duration.
- Outline performance management procedures during probation.
- Update dismissal protocols to differentiate between probationary and post-probation periods.
- Cross-reference disciplinary and performance improvement procedures to ensure consistency.

### Pending Developments:

The government will clarify specifics, including probation length and dismissal protocols, with changes expected no sooner than autumn 2026.



## 2. Enhancing Onboarding Practices

### What's Changing?

The two-year qualifying period for unfair dismissal claims will be removed, enabling first-day protections against unfair dismissal.

### Action Steps:

- Refine recruitment and onboarding policies to emphasise integration and support.
- Clearly detail onboarding steps, delivery methods, and additional initiatives aimed at retention.

### Pending Developments:

Consultations are underway, with implementation also anticipated in autumn 2026.

## 3. Updating Bereavement Leave Policies

### What's Changing?

A statutory right to bereavement leave will be introduced, allowing all employees leave from day one of employment.

### Action Steps:

- Define eligibility, including qualifying relationships and leave duration.
- Specify the process for requesting leave and its unpaid status (unless paid leave is offered).

### Pending Developments:

Further regulations will confirm the specifics, with implementation unlikely before 2026.

## 4. Modernizing Paternity Leave Policies

### What's Changing?

Paternity leave will become a day-one right, and restrictions preventing paternity leave following shared parental leave will be lifted.

### Action Steps:

- Remove references to the 26-week qualifying period.
- Clearly state that paternity leave is available immediately upon employment.
- Align shared parental leave policies to reflect these changes.

### Pending Developments:

Regulations are forthcoming, with a timeline suggesting changes by 2026.

## 5. Expanding Parental Leave Access

### What's Changing?

The one-year qualifying period for parental leave eligibility will be abolished, making it a day-one entitlement.

### Action Steps:

- Eliminate references to the one-year employment requirement.
- Clarify that parental leave is accessible immediately for all employees.

### Pending Developments:

Regulatory updates will guide final adjustments, with changes unlikely before 2026.

## 6. Adjusting Sickness Absence Policies

### What's Changing?

The lower earnings limit and waiting period for statutory sick pay will be removed. For low earners, SSP will be calculated as a percentage of earnings or a flat rate.

### Action Steps:

- Update policies to reflect first-day SSP eligibility.
- Ensure all employees qualify for SSP, irrespective of earnings.

### Pending Developments:

The percentage replacement rate for low earners is under consultation, with amendments expected after legislative updates.

## 7. Rethinking Redundancy Processes

### What's Changing?

Employers must engage in collective consultations for 20 or more redundancies across the entire organisation within 90 days, not just at a single establishment.

### Action Steps:

- Revise redundancy policies to reflect this broader application.
- Clearly outline consultation requirements across all organisational units.

### Pending Developments:

Consultations on potential penalties for breaches are underway, with changes anticipated by 2026.

## 8. Strengthening Anti-Bullying and Anti-Harassment Policies

### What's Changing?

Employers must take all reasonable steps to prevent harassment, including by third parties, and will be liable if these steps are not taken.

### Action Steps:

- Define and provide examples of bullying and harassment.
- Commit to proactive prevention measures, such as training and risk assessments.
- Extend protections to include third-party harassment

### Pending Developments:

Further guidance on "reasonable steps" is expected, with updates likely post-2026.

## 9. Revising Flexible Working Policies

### What's Changing?

Employers can only refuse flexible working requests if deemed reasonable, with written explanations required.

### Action Steps:

- Outline conditions under which requests may be denied.
- Ensure reasons for refusal are clearly communicated and justified.

### Pending Developments:

Additional guidelines on consultation requirements may be introduced, with updates to Acas codes expected.

## 10. Redefining Terms and Conditions Policies

### What's Changing?

"Fire and rehire" practices will be restricted, with dismissal for refusing contractual changes deemed automatically unfair unless tied to unavoidable financial difficulties.

### Action Steps:

- Commit to avoiding fire and rehire except in cases of financial necessity.
- Implement robust consultation protocols for unavoidable situations.

### Pending Developments:

Stronger penalties and procedural guidelines are anticipated, with changes unlikely before 2026.

Though many aspects of the Employment Rights Bill are still evolving, preparing your business now can minimize disruptions. Updating policies, considering procedural changes to mitigate the effects of the legislation and fostering open communication within the business are key steps to staying ahead in this transformative period for employment law.

We will, of course, be in touch with all clients to make appropriate plans.

# TRANSFORMATION

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We can offer support in managing your HR needs now as well as preparing for the changes ahead.

To discuss our packages in more detail, please get in touch for a confidential chat.

Simply contact our team on



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