

Employment Rights Bill – What does it mean for Unfair Dismissal

On the announcement of the Employment Rights Bill, the government stated they were planning to make changes to unfair dismissal and introduce day one rights to employees. This has left a lot of employers asking what this change means for them, and how it will affect their existing procedures and policies.

If you want immediate support or advice while dismissing an employee, get in contact with one of our experts on 0844 561 8133 and quote your membership number.

What's the existing framework for claiming unfair dismissal?

At present, any employees wanting to take their employer to an employment tribunal for unfair dismissal, will have to have worked for them for at least two years before the claim can be placed.

However, this doesn't qualify for automatically unfair reasons, such as pregnancy, union membership, and whistleblowing.

In these instances employers can bring a claim to tribunal, before they start working for the employer similarly with being dismissed due to political or religious beliefs.

Employees must also have worked at a business for at least two years before they can request a written reason for dismissal.

Unless the employee in question is dismissed while pregnant, during maternity leave or adoption leave.

What do Labour plan to change?

Labour plans to introduce day one rights, which will mean that employees will be able to claim unfair dismissal from the first day of employment, instead of having to complete two years of service first.

It's thought that this change will mean that employees aren't indiscriminately dismissed and allow the business to improve the standards of the workplace.

How will the change work?

As the government is removing the two-year qualifying period, it offers all employees protection from day one of employment. They have stipulated that any existing protections (with no qualifying period) will not be affected.

It's important to remember that these changes don't mean that employers *can't* dismiss

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employees. It's to ensure that businesses around the country are performing probation periods in a fair and transparent manner. With the introduction of statutory probation periods, it will help both employees and employers determine if they are a good fit for the role or business.

The government has also announced that they are committed to consulting on implementing unfair dismissal reforms. The elements they've stated that they are consulting on are as following:

- The length of statutory probation periods
- How the 'lighter touch' dismissal process will work.
- What the unfair dismissal compensation award will be.

Any unfair dismissal reform isn't likely to take place until 2026.

Get expert support

If you're struggling to understand what the employment rights bill means for your business, Take advantage of your key member benefits by calling the advice line today on 0844 561 8133 and quote your membership number.

Let us get you sorted!

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