

No: 348/24

31st October 2024

TO: ALL BRANCHES

Dear Colleague

EMPLOYMENT RIGHTS BILL

As branches will be aware, the Employment Rights Act was introduced into Parliament earlier this month, with the second reading taking place on Monday the 21st of October. The Employment Rights Act, part of Labour's plan to 'Make Work Pay', encompasses many of the policies outlined in the New Deal for Workers campaign.

The CWU founded the New Deal for Workers campaign over eight years ago and have been campaigning for its introduction at every possible opportunity. We therefore welcome the Government placing this legislation at the top of their agenda. The introduction of new individual rights and the repealing of many anti-trade union laws creates a generational opportunity for the entire labour movement to begin the next stage of mobilising to address the decline in trade union membership across both the private and public sector. The Bill itself includes many policies, including the following:

Rights at Work

- Introducing basic day one rights, i.e. removing qualifying periods for protection against unfair dismissal, sick pay and parental leave¹
- Removal of the lower earnings limit for Statutory Sick Pay (SSP)
- Introduce a right to reasonable flexible working from day one
- Banning most zero hours contracts
- Banning fire and rehire
- Modernising blacklisting laws
- Strengthening employment tribunal enforcement and increasing the claim period from three to six months
- Strengthening rights for pregnant workers
- New duties on employers to protect workers from third-party harassment
- Introducing the right to bereavement leave

¹ As reported in the media, the Government is looking to introduce a statutory probation period with a potentially different model for unfair dismissal processes. This will be consulted on during the legislative process.

Trade Union Rights²

- Repealing anti-trade union legislation, including the vast majority of the 2016 Trade Union Act and the Minimum Service Levels
- Simplifying the process of trade union recognition and modernising recognition rules, including:
 - Scrapping the 10% requirement to seek recognition³
 - Scrapping the need to present a likelihood of majority support for recognition before starting recognition processes
 - Introduces a simple majority of those voting to win recognition, eliminating the '40% of those eligible' requirement
- Introduce the right for unions to access workplaces for recruitment and organising purposes⁴
- Reverting back to the automatic 'opt-in' to political funds
- Introducing statutory rights for Equality Reps
- Lifting check-off restrictions in the public sector
- Introducing a simple majority threshold for industrial action ballots

Collective Bargaining

- Introduction of a Fair Pay Agreement (sectoral level agreement) in the social care sector
- Strengthen collective bargaining rights for School Support Staff Negotiating Body (SSSNB) and Fire and Rescue Service

The Bill will now be further scrutinised in Parliament, be subject to amendments and will need to go through both the House of Lords and the House of Commons.

Some aspects of the legislation will be subject to consultation as the Bill goes through Parliament, as amendments will be needed before it is passed into law. However, other aspects will be consulted on, and subsequently implemented, after the Bill is passed. We will be participating in all relevant consultations and we will also be advocating, in the strongest terms, against any diluting of this legislation in favour of the demands made by big business.

Though the Bill does cover a comprehensive range of new policies, particularly individual rights in the workplace, it does not include several key policies outlined in the New Deal for Workers. Collective rights, and collective power in the workplace, is still an area where the CWU and other trade unions are demanding more commitments from the Labour Government.

² The Government is committed to introducing electronic and workplace balloting. However, this does not need to be done through primary legislation and will instead be done through secondary legislation, after the Bill has been brought into law.

³ To be replaced by a lower requirement as part of secondary legislation.

⁴ Trade Unions are seeking further clarification on the legal status of this right and the involvement of the CAC in any claim of denying access.

We will be asking the Government for commitments on these policies in a timely manner and in particular, pushing for a commitment to expand sectoral collective bargaining within this Parliamentary term. This is a core tenant of the New Deal for Workers campaign and will provide truly transformative models for workers across our economy. We will keep branches updated as to the progress of these discussions.

Next Steps

While we welcome the introduction of this legislation, it is crucial we now set out a clear plan for building upon the new foundation that the Employment Rights Bill creates. In this regard, our focus will be on the following:

- Working with the TUC and TULO on minimising any dilution of these policies from big business and at the same time, identifying and pursuing amendments that can strengthen the legislation.
- Progress the objectives laid out in our motion to TUC Congress to gather support for the introduction of sectoral level collective agreements across multiple sectors of the economy and working with the TUC to hold the Collective Bargaining Summit which was affirmed as part of our motion.
- To continue to make the case to a Labour Government that sectoral bargaining is essential for achieving growth and ensuring the fair redistribution of this growth.
- Continue to engage with representatives and members on the importance of the New Deal for Workers and the need to make further progress.

Overall, there can be no doubt that these new rights for workers represent a fundamental shift for all working people, after fourteen years of attacks on working people from the Tories. We also hope this legislation will help facilitate the beginning of a new style of business leadership in the UK. CEO's and shareholders should be motivated by building companies that provide decently-paid, secure jobs, rather than awarding themselves record pay, while their workers are often facing in-work poverty. As part of our next steps, we will also be making direct representations to Ministers regarding the experiences of workers in our industries and how they can be best protected.

If you have any questions, please contact the General Secretary's department at dlynch@cwu.org.

Yours sincerely



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General Secretary

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