

# FUTURE OF WORK: KEY UPDATES

COLLYER  
  
BRISTOW

## OUR PANEL:

---



**Tania Goodman**  
Partner, Head of  
Employment



**Andrew Granger**  
Partner,  
Employment



**Charles Avens**  
Partner, Head of  
Immigration



**Karen Mortenson**  
Partner,  
Employment



**Abbie Armstrong**  
Associate,  
Employment &  
Immigration

# EMPLOYMENT RIGHTS BILL – WHERE ARE WE NOW?

KAREN MORTENSON  
PARTNER, EMPLOYMENT

## EMPLOYMENT RIGHTS BILL – TODAY'S TOPICS

---

- Employment Rights Bill – where are we now?
- Unfair dismissal
- Harassment
- Fire and rehire
- Collective redundancy consultation



# WHERE ARE WE NOW?

## EMPLOYMENT RIGHTS BILL – WHERE ARE WE NOW?

---

- 10 October 2024 – ERB published
- 15 September 2025 – ERB returned to the House of Commons
- 16 September 2025 – the House of Commons rejected the non-government amendments
- 28 October 2025 – the House of Lords voted:
  - » against the proposal to require employers to offer guaranteed hours from day one
  - » against making unfair dismissal a day one right
  - » to keep the 50% turnout threshold for an industrial action ballot of trade union members
  - » against the proposal for new trade union members to automatically pay a political levy

## EMPLOYMENT RIGHTS BILL – WHERE ARE WE NOW?

---

- As of last week, ministers were said to be set to reject the amendments
- Even once the ERB is passed, many of the details remain to be ironed out

# UNFAIR DISMISSAL



# UNFAIR DISMISSAL – THE CURRENT POSITION

---

- Less than two years' service = limited rights
- Two years' qualifying service = right not to be unfairly dismissed
- Probation – does it matter?

## UNFAIR DISMISSAL – THE FUTURE?

---

- Day one right. Probably
- ‘Initial period’ (likely up to 9 months). Lighter-touch / less onerous process if the principal reason for dismissal is conduct, capability, illegality or “some other substantial reason relating to the employee”
- Redundancy not included – full process needed from outset
- Lower cap on compensation?
- Regulations and consultation awaited. Changes anticipated in 2027

## UNFAIR DISMISSAL – WHAT SHOULD YOU DO NOW?

---

- Review and update your contracts – esp probationary periods
- Review your recruitment processes
- Review your documentation and approach to probationary periods – do they need tightening up?
- Review your disciplinary and capability procedures

# HARASSMENT

## HARASSMENT – THE CURRENT POSITION

---

- Since 26 October 2024, employers have been under a duty to take **reasonable steps** to prevent **sexual harassment** of employees in the course of their employment
- This includes sexual harassment by third parties – for example customers or suppliers
- But employees cannot currently bring free-standing claims for third party harassment

## HARASSMENT – THE FUTURE

---

- The ERB proposes to strengthen the duty so that employers are required to take ***all* reasonable steps** to prevent **sexual harassment**
- “All reasonable steps” is not defined, but regulations are expected in due course
- Employers will also be liable if their employees are **harassed** by third parties in the course of employment. Employers will be liable unless they can demonstrate that they took ***all* reasonable steps** to prevent the harassment. This will apply to every type of harassment – not just sexual harassment

## HARASSMENT – WHAT SHOULD YOU DO NOW?

---

- Ensure your risk assessments cover all forms of harassment, not just sexual harassment
- Review and update your policies – do they cover third party harassment?
- Raise awareness
- Provide regular training

# FIRE AND REHIRE



## FIRE AND REHIRE

---

- Fire and rehire = terminating an employee's contract and re-engaging them on less favourable terms
- Fire and replace = dismissing an employee or group of employees, and replacing them with employees on different terms
- Under the ERB, an employee's dismissal will be **automatically unfair** if the reason, or principal reason, was because the employer sought to make a "restricted variation" and the employee did not agree to the change
- Very limited exclusion if the changes are to avoid financial collapse
- Other changes may still be unfair

# COLLECTIVE REDUNDANCY CONSULTATION

## COLLECTIVE REDUNDANCY CONSULTATION

---

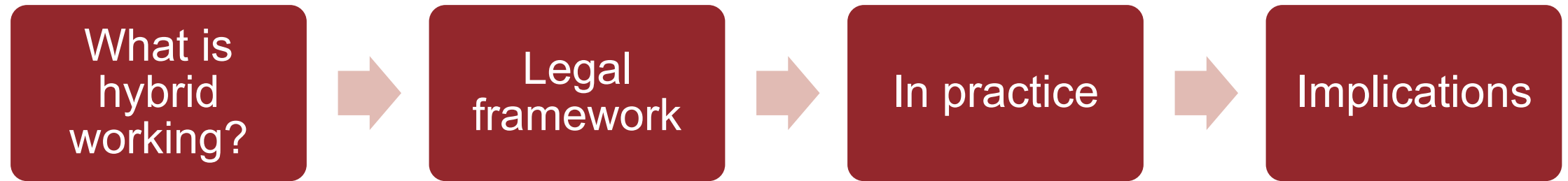
- April 2026 – protective award will double, from 90 to 180 days' pay
- 2027 – collective consultation will be required across all sites where the (as yet to be determined) threshold is met

# HYBRID WORKING

ABBIE ARMSTRONG  
ASSOCIATE, EMPLOYMENT AND IMMIGRATION

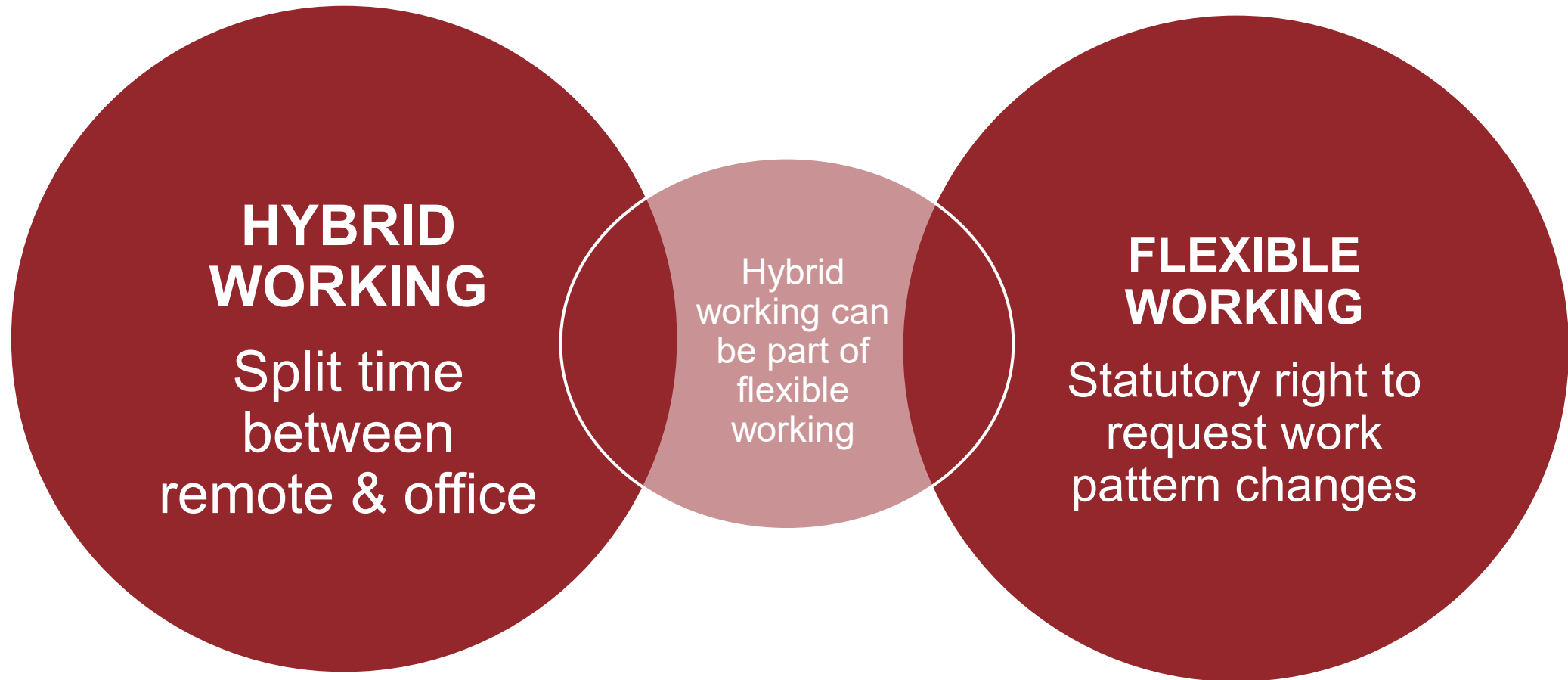
# HYBRID WORKING

---



# WHAT IS HYBRID WORKING

---



# HOUSE OF LORDS SELECT COMMITTEE: HOME-BASED WORKING

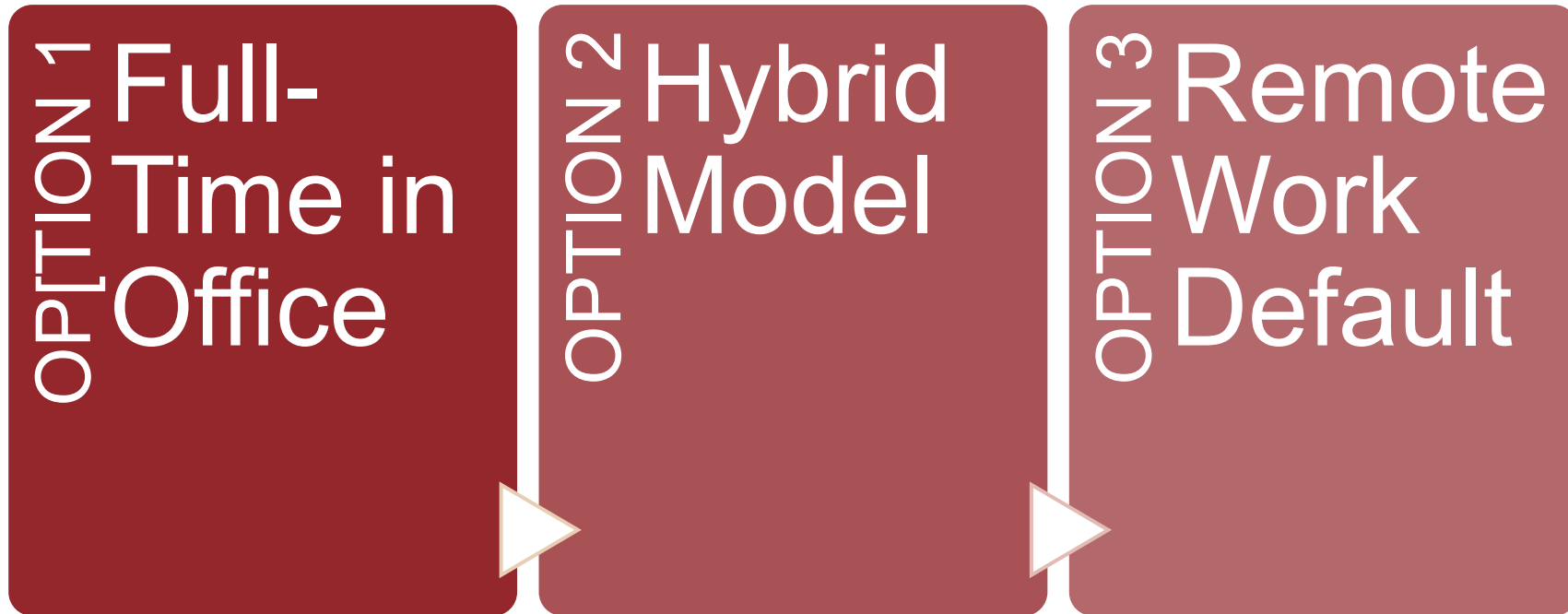
---

**Tania Goodman**, 30 June 2025



# A POLL

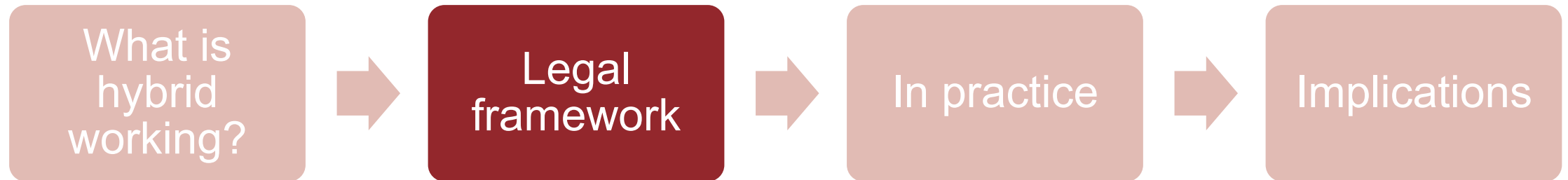
---





# HYBRID WORKING

---



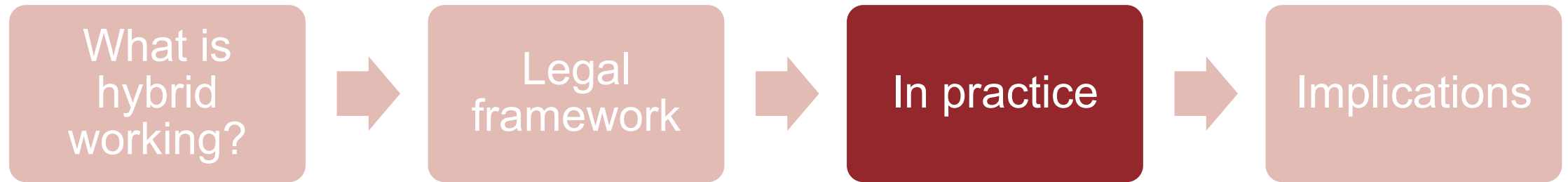
# THE LAW

---

- No UK laws on hybrid working
- Employment Relations (Flexible Working) Act 2023
  - Employees can request flexible working from day one
  - Employers must consider requests within 2 months
  - Employers must provide reasonable explanation for refusal

# HYBRID WORKING

---



## MAKING CHANGES

---

- Check the employment contract (place of work) and any communications or carve-outs
- Review mobility or variation clauses
- Even if office return is contractually permitted, consult and inform staff
- Long-standing hybrid practices may become implied contractual terms
- Last resort: “fire & rehire” – high risk

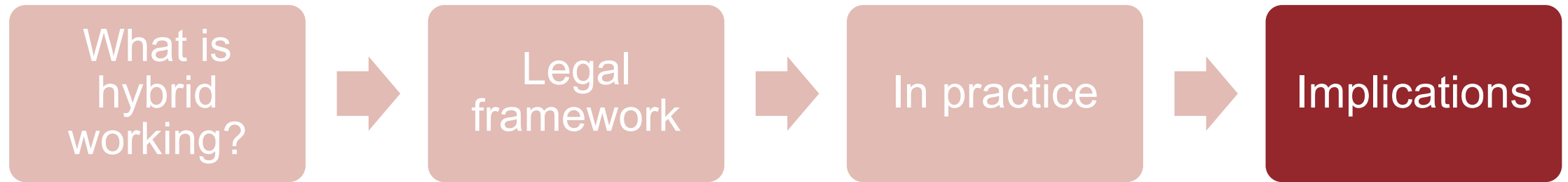
# HYBRID WORKING AND DISCRIMINATION

---

- Risks of indirect and direct discrimination
- Policies may disadvantage groups needing flexibility (e.g. childcare)
- Treat all requests consistently
- Assess impact and document decisions

# HYBRID WORKING

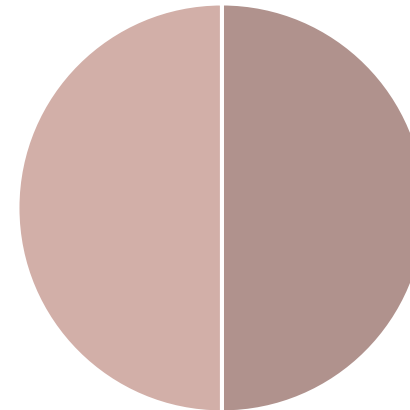
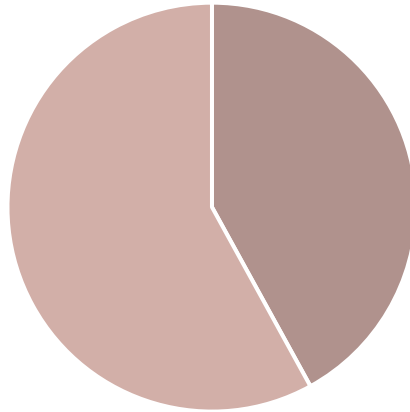
---





## THE HYBRID WORK TUG OF WAR

- 42% of UK workers would comply with full-time office mandate (KCL 2025)
- 50% would seek a new role offering homeworking if mandated to return full-time (KCL 2025)



## MISS WILSON V FCA

---

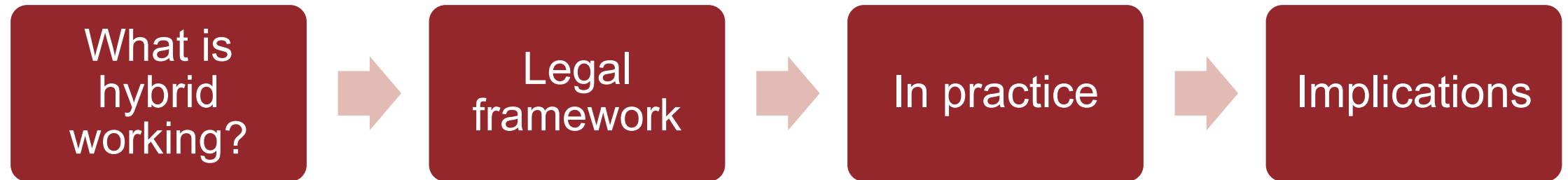
- Tribunal ruled that FCA acted lawfully in rejecting manager's remote work request
- Hybrid working policy upheld (40% office attendance)
- Request was carefully considered
- No 'one-size-fits-all' solution





# HYBRID WORKING

---



# HYBRID WORKING – THE FUTURE

---

- No rigid statutory framework
- Strategic flexibility required - balance productivity, collaboration, business needs & employee satisfaction
- Contract changes best done early - before Employment Rights Bill comes into force

# AI IN THE WORKPLACE:

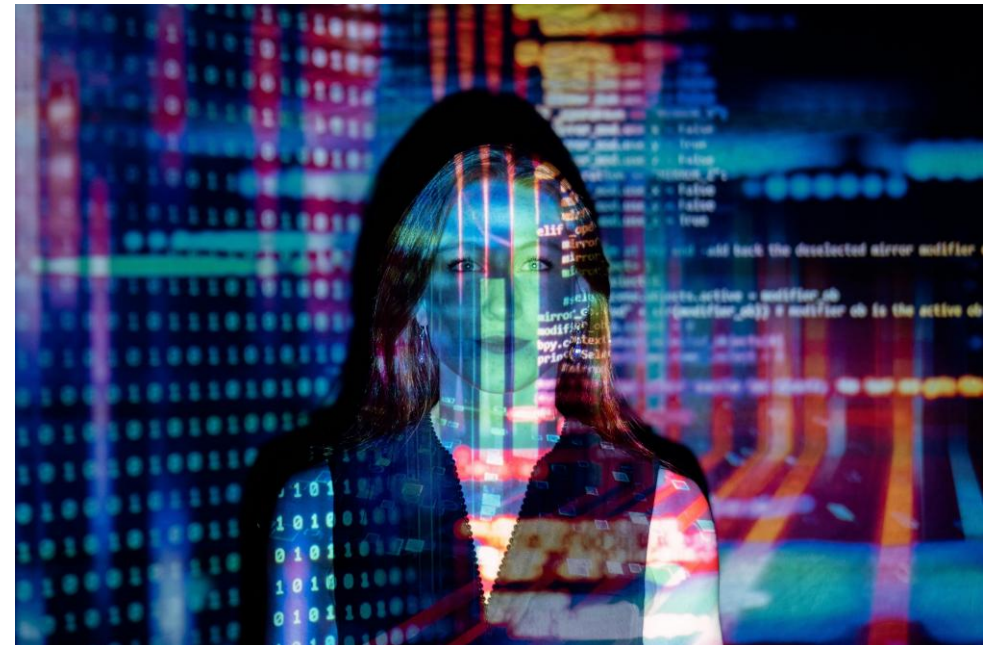
## RISKS AND REWARDS

**TANIA GOODMAN**  
PARTNER, HEAD OF EMPLOYMENT

# AI IN THE WORKPLACE TODAY

---

- Writing assistants: ChatGPT, Grammarly
- Recruitment & CV screening tools
- Predictive HR analytics
- Chatbots & virtual assistants



# AI AS YOUR SUPERHERO SIDEKICK

---

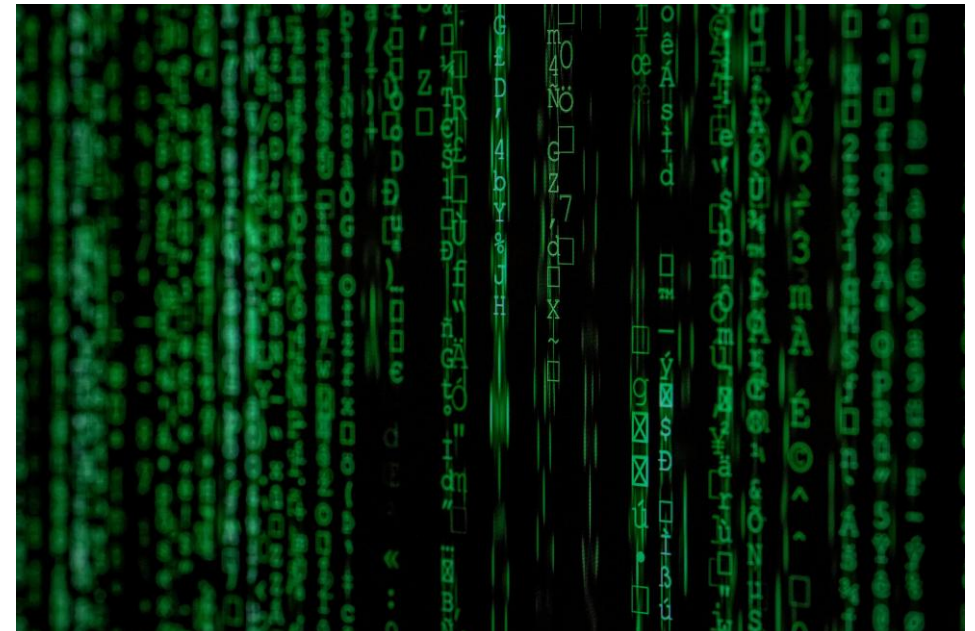
- Productivity: automates boring tasks
- Insights: identifies trends fast
- Learning & Development: personalised paths
- Employee & Customer Experience: 24/7 chatbots



# WHEN AI ISN'T SO HELPFUL

---

- Privacy & Data Protection: never feed personal data to public tools
- Bias & Fairness: AI can reflect unfair patterns
- Discrimination
- Security & IP: don't let secrets leak
- Legal & Reputation: fines, bad press, professional embarrassment



# AI WHISPERERS: HR & LEADERSHIP

---

- Lead awareness & training
- Update processes & guidelines
- Audit current & planned AI use
- Engage staff early
- Human-in-the-loop for key decisions



# CREATING AN AI ACCEPTABLE-USE POLICY

---

- Scope & Purpose: approved tools & use cases
- Data Rules: protect personal/sensitive info
- Human Oversight: verify outputs before action
- Reporting & Accountability: handle errors & bias
- Continuous Review: update regularly





# ENGAGING STAFF IN TRAINING

---

- Hands-on practice in safe scenarios
- Scenario-based learning: successes & failures
- Highlight risks & rewards with real examples
- Regular refreshers
- Open discussion & feedback



# AI: SIDEKICK OR MISCHIEVOUS ASSISTANT?

---

- Embrace benefits: productivity, insight, learning
- Manage risks: privacy, bias, legal liability
- Keep humans at the centre: AI doesn't drink coffee
- **Policies + training = safer, smarter AI use**



# THINK ABOUT YOUR TEAM

---

- What AI tools are you using?
- Are they fit for purpose?
- Shared feedback without fear or judgment
- **Avoid the beartraps 😞**
- **Embrace the benefits 😊**







**TO  
INFINITY  
AND BEYOND**

# IMMIGRATION LAW UPDATE

CHARLES AVENS  
PARTNER, HEAD OF IMMIGRATION

# THE SKILLED WORKER VISA: A NEW ERA?

---

- Major legal reforms were effective from **22 July 2025**
- **Most significant immigration change since post-Brexit reforms**
- Impacts both **employers** and **migrant workers**, especially in medium-skill sectors

## BACKGROUND

---

- Pre-2020: Skill level required **RQF 6** (degree level)
- 2020: Lowered to **RQF 3** (A-levels / Advanced Apprenticeship)
- 2025: **Reinstated to RQF 6** under new Labour government
- 2026: English language requirement – **increasing from level B1 to B2**
- **Aim:** Reduce low-wage migration and encourage higher-skill roles

## KEY CHANGES

---

- Around **180 roles removed** from eligible occupations list
- Roles affected: counsellors, veterinary nurses, police/prison officers, teaching assistants, care workers, etc.
- **Existing visa holders** in now-ineligible roles can continue under current sponsorship
- **Interim Temporary Shortage List (TSL)** introduced – keeps some RQF 3–5 roles eligible until 31 Dec 2026



## TRANSITIONAL MEASURES & MAC REVIEW

---

- TSL may last **up to three years** per role (per MAC's Oct 2025 report)
- Review pending on whether TSL occupations will:
  - » Remain or expand
  - » Offer **pathways to settlement**
- **Immigration Salary List (ISL)** – reduced salary concessions also ending by **Dec 2026**

# SALARY THRESHOLD ADJUSTMENTS

---

- General salary threshold: **£38,700 → £41,700**
- ‘Going rates’ for individual roles up by ~10% Applies to:
  - » All **new sponsorships**
  - » **Extensions** and **employer switches**
- Increased cost burden for multi-sponsor employers

## REACTIONS & EARLY EFFECTS

---

- **Medium-skilled roles the hardest hit** -Social care, hospitality, construction, agriculture
- **NHS and care sector** warn of deepening shortages
- **Visa data (Sept 2025):** 2,700 issued (down 50% from 2024 average)
- Fewer dependants expected due to new family restrictions
- Could make UK less attractive to skilled migrants

## NEXT STEPS FOR EMPLOYERS

---

- Increased **scrutiny** of HR departments and sponsor licence **compliance**
- Plan for **2026 withdrawal** of ISL and TSL
- Assess if roles can be **upskilled to RQF 6**
- Review **salary offers** to meet new thresholds
- Explore **alternative visa routes**
- Seek professional **immigration guidance** early
- Time to have a **licence audit & revision of your terms & conditions**
  - » Employment contracts / staff handbooks
- **Further changes still to come** as consultation ongoing

## QUESTIONS FOR OUR PANEL:

---



**Tania Goodman**  
Partner, Head of  
Employment



**Andrew Granger**  
Partner,  
Employment



**Charles Avens**  
Partner, Head of  
Immigration



**Karen Mortenson**  
Partner,  
Employment



**Abbie Armstrong**  
Associate,  
Employment &  
Immigration



---

FOR MORE INFORMATION  
**collyerbristow.com**

© Collyer Bristow 2025

Collyer Bristow LLP is a limited liability partnership registered in England under number OC318532, registered office St Martin's Court, 10 Paternoster Row, London, EC4M 7EJ and is regulated by the Solicitors Regulation Authority under number 441900. Any reference to a partner means a member of the LLP or an employee with equivalent standing and qualifications. A list of the members is available for inspection at the above address.

The content of this document is provided for general information only and does not constitute legal or other professional advice. Appropriate legal or other professional opinion should be taken before taking or omitting to take any action in respect of any specific problem. Collyer Bristow LLP accepts no liability for any loss or damage which may arise from reliance on information contained in this document.

---