

FUTURE OF WORK: KEY UPDATES

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EMPLOYMENT RIGHTS BILL – WHERE ARE WE NOW?

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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

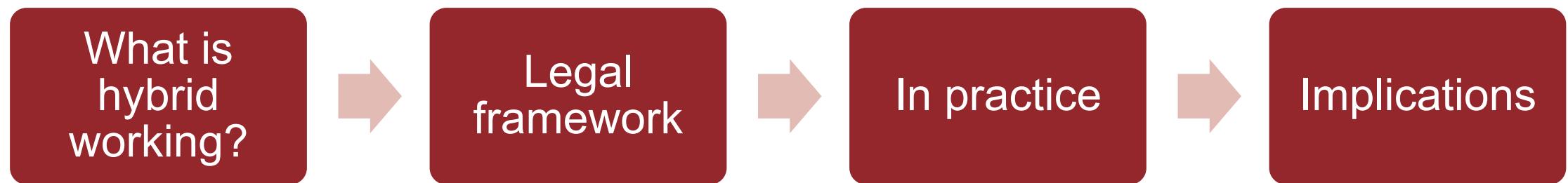
COLLECTIVE REDUNDANCY CONSULTATION

- 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

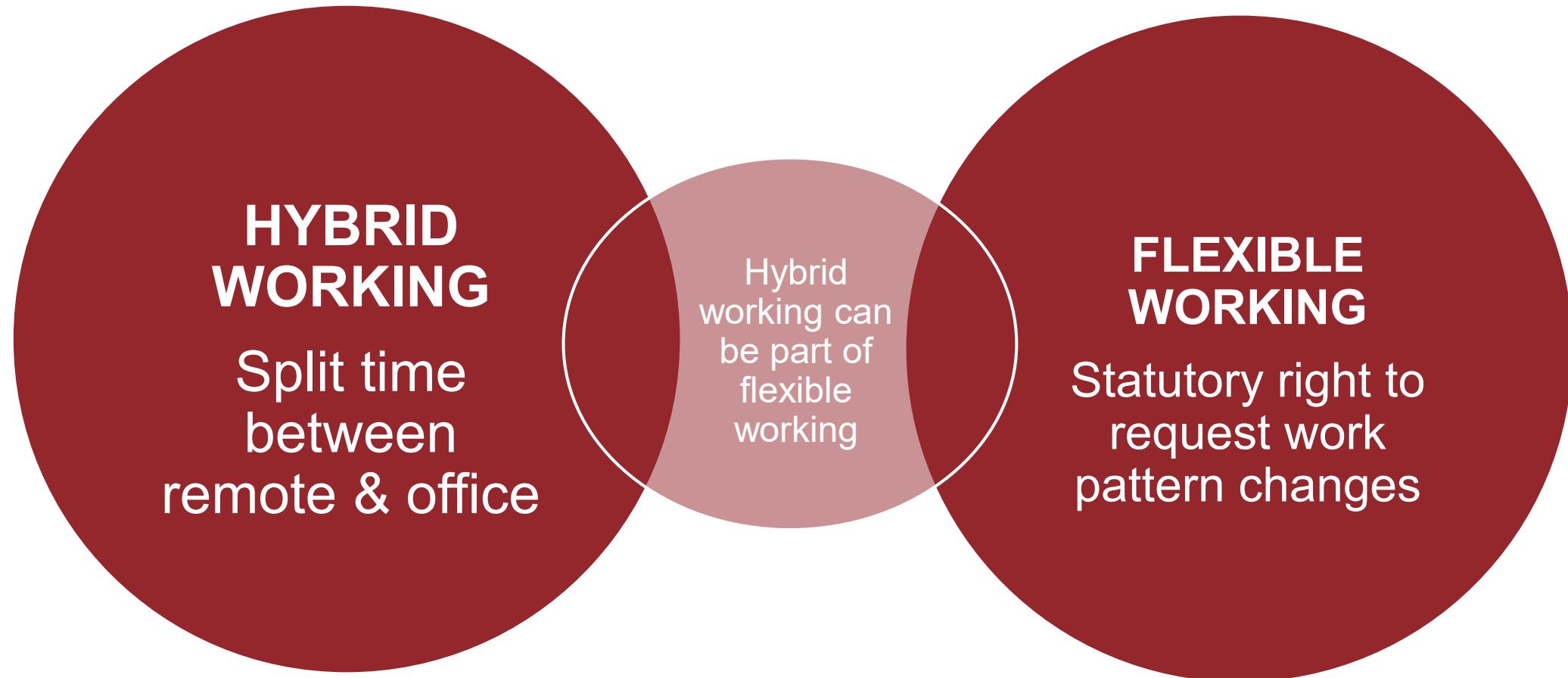
HYBRID WORKING

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HYBRID WORKING



WHAT IS HYBRID WORKING



HOUSE OF LORDS SELECT COMMITTEE: HOME-BASED WORKING

Tania Goodman, 30 June 2025



A POLL

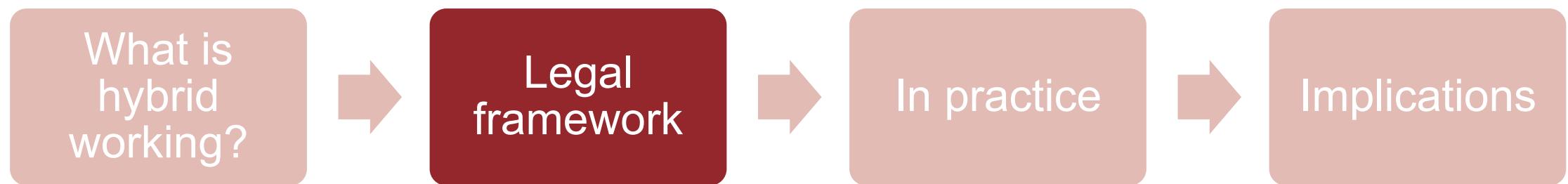
OPTION 1 Full-Time in Office

OPTION 2 Hybrid Model

OPTION 3 Remote Work Default



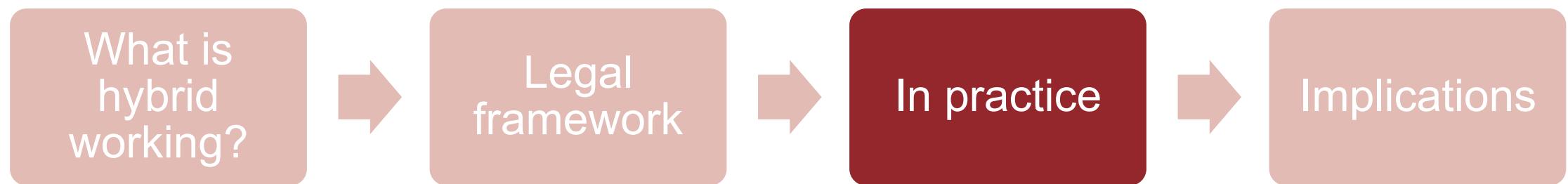
HYBRID WORKING



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



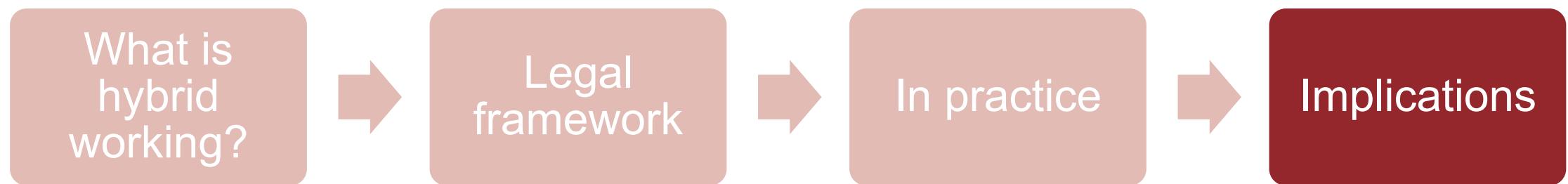
MAKING CHANGES

- 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

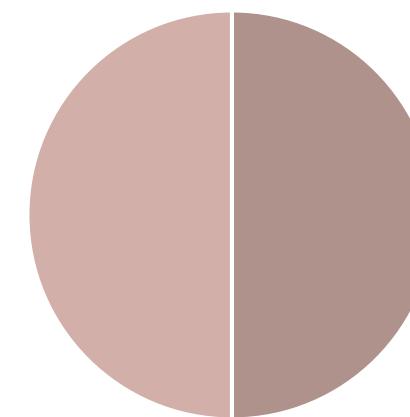
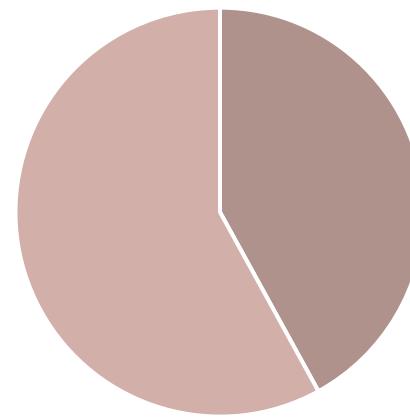
HYBRID WORKING



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)

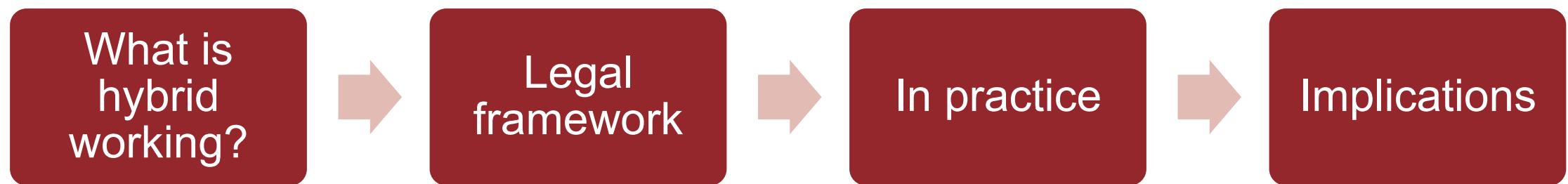


MISS WILSON V FCA

- 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



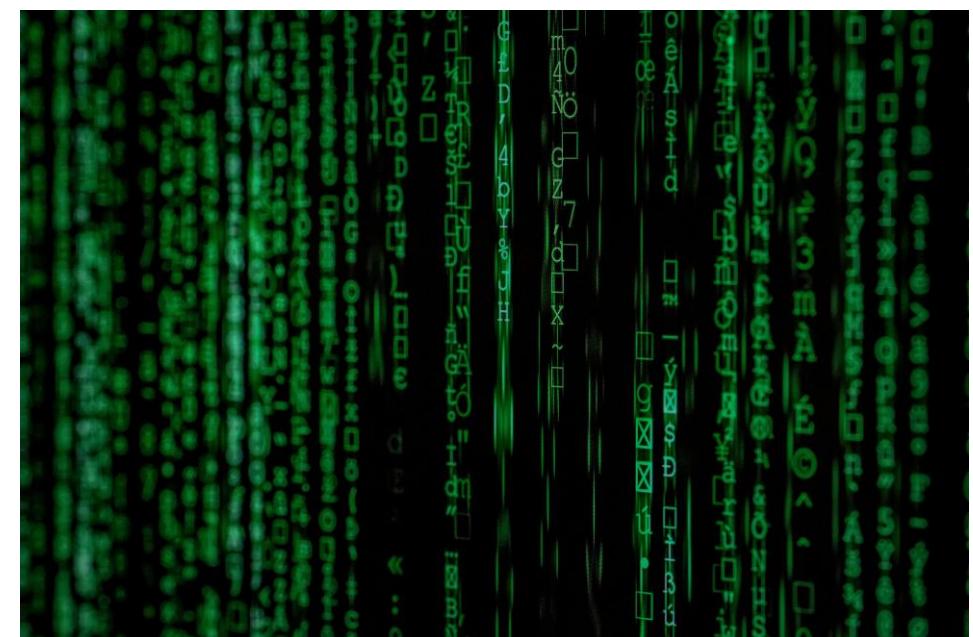
AI AS YOUR SUPERHERO SIDEKICK

- 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

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