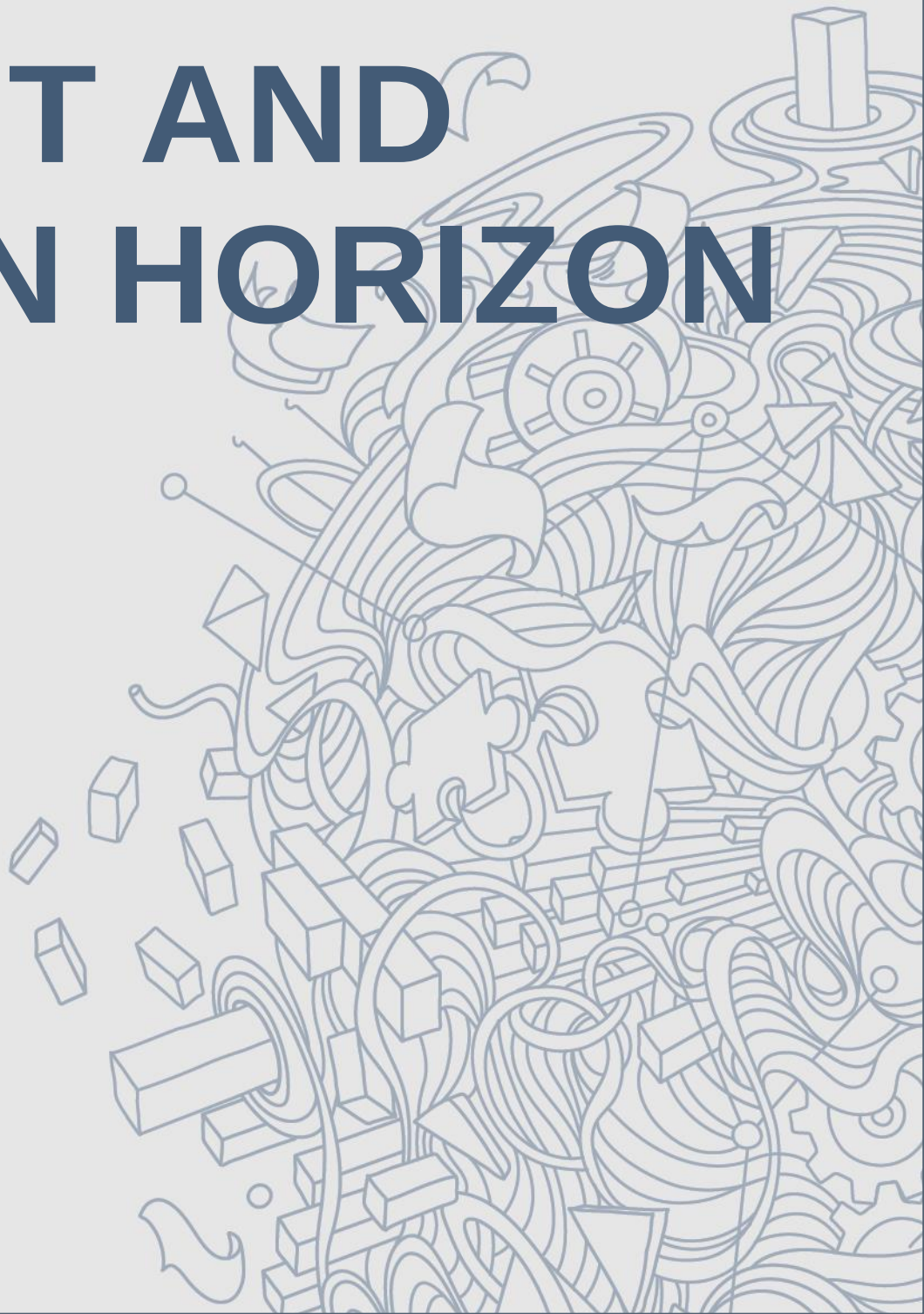
EMPLOYMENT AND IMMIGRATION HORIZON SCANNER

March 2025



FUTURE KEY LEGISLATION DEVELOPMENTS

NO.	ACT OR STATUTORY INSTRUMENT	SUMMARY AND IMPACTS	IMPACT DATE
1.	Employment Rights Bill tba	**Employment Rights Bill** In its election manifesto, the Government set out its plan for employment law reforms and to introduce legislation within its first 100 days in office, but to consult fully on how to put its plans into action before legislation is passed. The Employment Rights Bill (ERB) was published on 10 October 2024. The Government also launched four consultations on the ERB at the end of 2024 and published its responses to those consultations in March 2025 along with a number of proposed amendments to the ERB. The amended ERB contains the following proposals: • Banning exploitative **zero-hour contracts** and ensuring workers have a **right to a guaranteed hours contract** that reflects the number of hours they regularly work (over a 12-week reference period) and that all workers get reasonable notice of any changes in shift with proportionate compensation for any shifts cancelled or curtailed. Those who wish remain on zero hours contracts will still be able to do so. Government amendments to the ERB confirm that agency workers will be included in the zero hours measures and allowing contracting out from the zero hours measures under the terms of a collective agreement for zero and low hours workers and agency workers. • **Ending 'Fire and Rehire' and 'Fire and Replace'** save in very limited circumstances where an employer has no alternative to remain a viable business. The Government has confirmed that it will not take forward the proposal that interim relief should be available for employees who bring claims for breach of collective redundancy and fire and rehire obligations. • Making **paternity leave and parental leave** a day one right. • Establishing **bereavement leave** (going beyond the existing parental bereavement leave) as a day one right. It looks likely this will be unpaid leave, with eligibility for parental bereavement pay remaining only for parents whose child dies before the age of 18. The Government has not accepted a proposed new provision for paid leave of two weeks after miscarriage put forward by a backbencher, but accepts the principle of bereavement leave for pregnancy loss and is in discussions to amend the Bill during its passage in the House of Lords.	The Government has promised to consult fully on how to put its plans into action before legislation is passed, with the majority of reforms taking effect no earlier than 2026. Reforms of unfair dismissal will take effect no sooner that Autumn 2026.

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		• **Protection from unfair dismissal** will become available from day one removing the current two year qualification period (with probationary periods to assess new hires). • Making **Statutory Sick Pay** (SSP) a day one right by removing the current three-day waiting period and also removing lower earnings limit for to all workers. In response to consultation, the Government has amended the ERB so that employees on low wages who are unable to work due to sickness will either receive 80% of their average weekly earnings or the current rate of SSP, whichever is lower. • Making **flexible working** the default from day-one for all employees, with refusal of requests only where it is reasonable on prescribed grounds. • Strengthening **protections for new mothers** by making it unlawful to dismiss a woman during pregnancy or who has had a baby for six months after her return to work, except in specific circumstances. A new amendment specifies that regulations will set out specific notices that will need to be given to the employee, the evidence the employer will need to produce and "other procedures" that will need to be followed. We await further details of this which will be published in the regulations. • Establishing a new Single Enforcement Body, also known as a **Fair Work Agency**, to strengthen enforcement of workplace rights. (See entry below). • **Updating trade union legislation**, removing unnecessary restrictions on trade union activity, simplifying union recognition process, bringing new rights of access to the workplace (including an amendment to extend access to cover digital access), protecting against detriment for taking part in industrial action, removing the cap on number of weeks protected for when taking industrial action, providing access to facilities, bringing in new voting requirements for industrial action (including an amendment to allow trade unions to provide a shorter 10-day notice period for industrial action, rather than 14 days), updating blacklisting regulations and repealing the Strikes (Minimum Service Levels) Act 2023 and the majority of the Trade Union Act 2016. Two amendments will make balloting more accessible by delivering e-balloting and extending the expiry of a mandate for industrial action from 6 to 12 months. • Reintroducing employer liability for **third party harassment** for all relevant protected characteristics. • Strengthening the requirement for employers to take ***all*** reasonable steps to **prevent sexual harassment** at work and protections for women reporting sexual harassment.	

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		• The requirement that **collective redundancy consultation** be determined by the number of people impacted across the business rather than in one workplace has now been dropped. In its place the Government has introduced an amendment which provides that collective consultation will now be required if an employer is proposing, within a period of 90 days or less, 20 or more redundancies at one establishment OR a different threshold is met. This means the Government could set a higher number than 20 in a case where employees are being made redundant at more than one establishment. We await further details to be set out in regulations but, for example, the alternative threshold could be by reference to a particular percentage of total employees. A further amendment clarifies that, when conducting collective consultation, the employer will not need to consult all the employee representatives together or try to reach the same agreement with all of them in relation to separate batches of redundancies. • Mandating gender pay gap and menopause support **action plans** for large businesses. • Introducing a new requirement for consultation and review of written policy about **allocating tips** etc. • Amend the Procurement Act 2023 to protect transferring workers on **outsourcing contracts** and introduce a two-tier workforce code of practice for outsourced workers. • An amendment to the ERB extends the **time limits for bringing an employment tribunal claim** from 3 to 6 months. • Following **consultation** at the end of 2024, the Government's response confirms that the maximum period for the protective award will double from 90 days to 180 days. The proposal to make interim relief available to employees who bring claims for breach of collective redundancy and fire and rehire obligations will not be taken forward. The Government's response confirms its aim to ensure workers get comparable rights and protections when working through an umbrella company as they would when taken on directly by an employment business. The Government is also committed to closing the tax gap and making the tax system fairer by ensuring temporary workers are protected from large, unexpected tax bills caused by the behaviour of non-compliant umbrella companies. Other measures announced alongside the Employment Rights Bill include: • **A review of the parental leave system.** The Government has indicated that its promised review of the parental leave entitlements is due to start before the Bill receives Royal Assent, possibly in the summer.	

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		It is likely to look at a number of issues including relating to paternity leave, kinship care and pay for carer's leave. • The launch of a working group looking allowing the use of modern and secure **electronic balloting** for union statutory ballots. • Supporting **workers with a terminal illness** through the Dying at Work Charter. • Modernising **health and safety** guidance. • Developing **menopause guidance** for employers and guidance on health and wellbeing. There are media reports that the Government is no longer taking forward its proposal to give workers "**the right to switch off**". The proposal was to provide workers with the right to disconnect from work outside working hours and not be contacted by their employer. The Government had proposed to take forward the policy through a statutory Code of Practice rather than legislation. Reports now suggest that the plan will be dropped to help reduce the impact of the Government's new employment rights on businesses. Longer-term reforms include: • Consulting on a simpler framework for **single "worker" status** that distinguishes between workers and the genuinely self-employed including how to strengthen protections for the self-employed e.g. written contract, extending H&S protections. • Consulting with trade union / elected staff representatives on introducing **surveillance technologies.** • A call for evidence on issues relating to **TUPE.** • Consulting with ACAS on allowing **collective grievances**. This will be the most significant change to employment law protections that we have seen for many years, affecting employers of all sizes. We can expect to see more tribunal claims, trade unions having greater involvement in industrial relations, recruitment and dismissals will be impacted and business reorganisations and outsourcing are likely to become more complex.	

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2.	Employment Rights Bill	**Fair Work Agency** The Government has introduced various amendments to the ERB to strengthen the powers of the Government's new Fair Work Agency (**FWA**) to: • **Enforce failure to keeping adequate records of annual leave**. A new obligation requires employers to keep records of their compliance with the Working Time Regulations 1998 on annual leave and pay for six years, with failure to comply punishable as an offence with a fine. • **Enforce failure to pay statutory payments.** The ERB is amended to provide the FWA with powers to issue a notice of underpayment to the employer of non-payment of any statutory payment (e.g. SSP, holiday pay or the national minimum wage) requiring that they pay the amount due within 28 days. Underpayments may go back 6 years from the date of giving notice and can relate to sums due before the ERB comes into force. The notice may also impose a penalty up to a maximum of £20,000 which may be discounted by 50% if sums due are paid within 14 days of the notice, with courts able to enforce a failure to comply with a notice. • **Bring proceedings in the Employment Tribunal on a worker's behalf.** Where a worker has a right to bring a claim in the Employment Tribunal, a new power allows the FWA to bring those proceedings in place of the worker, as well as give legal advice or representation in employment, trade union or labour relations cases. The amendments include a provision requiring the employer to pay a charge so that the FWA can recover the enforcement costs. It remains to be seen how this will work in practice or how often the powers will be used or funded. We await further details. The Government has stated its commitment to giving the FWA the tools and resources it needs to do its job effectively, with details around the implementation and funding to be provided in due course.	The Government has promised to consult fully on how to put its plans into action before legislation is passed, with the majority of reforms taking effect no earlier than 2026.
3.	Draft Equality (Race and Disability) Bill	**Draft Equality (Race and Disability) Bill** The Government announced the draft Equality (Race and Disability) Bill in the King's Speech in September 2024. The draft Bill will include the following reforms to:	The Government consultation on the Equality (Race and Disability) Bill closes on 10 June 2025, with a draft bill to be published during

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		• Enshrine in law the full right to equal pay for ethnic minorities and disabled people, making it much easier for them to bring unequal pay claims. • Introduce mandatory ethnicity and disability pay reporting for larger employers (those with 250+ employees) to help close the ethnicity and disability pay gaps. • Ensure that outsourcing of services can no longer be used by employers to avoid paying equal pay. The Government has recently launched a consultation seeking views on how to implement mandatory ethnicity and disability pay gap reporting for large employers (those with 250 or more employees) in Great Britain. The responses to the consultation will help shape the draft legislation. The consultation **closes on 10 June 2025.** The Government is proposing to mirror the gender pay gap reporting framework where appropriate in terms of geographical scope, pay gap measures (with two additional measures to give context to the employer's ethnicity and disability pay gap figures), reporting deadlines and enforcement policy. It also proposes to follow the voluntary guidance for ethnicity pay gap reporting for a consistent approach to classifications and proposes certain protections to preserve employee privacy on data collection. In a House of Commons debate in January 2025 the Government confirmed that draft legislation would be introduced during the current parliamentary session.	this parliamentary session for pre-legislative scrutiny.
4.	Statutory Code of Practice on Dismissal and Re-engagement	**Statutory Code of Practice on Dismissal and Re-engagement** The statutory Code of Practice on Dismissal and Re-engagement came into force on 18 July 2024. The Code is intended as a practical guidance for employers that clarifies the steps employers should take when seeking to change contractual terms and conditions of employment where there is a prospect of dismissal and re-engagement. There is no direct claim for breach of the Code, but tribunals must take it into account where relevant and may adjust the compensation for certain tribunal claims by up to 25%, including unfair dismissal awards.	Already in force since 18 July 2024, but: • An order to give tribunals power to adjust compensation in a successful protective award claim for failure to inform and consult where there has been an unreasonable failure to

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		From **20 January 2025**, tribunals will have the power to increase or reduce compensation by up to 25% for failure to comply with collective consultation requirements under the Code of Practice on Dismissal and Re-engagement or another relevant Code of Practice. The change will mean that in a successful claim for a protective award, where it appears to the employment tribunal that the employer has unreasonably failed to comply with a relevant Code of Practice, the tribunal may increase the employee's award by up to 25% or reduce it by up to 25% where it is the employee who has unreasonably failed to comply with the relevant Code. Under the Employment Rights Bill (see above) the Government proposes to end 'Fire and Rehire' and 'Fire and Replace' save in very limited circumstances where an employer has no alternative to remain a viable business, but for the time being the statutory Code of Practice on Dismissal and Re-engagement remains in force. In the Government's response to consultations on the Bill, it confirmed: • it will not take forward the proposal that interim relief should be available to employees who bring claims for breach of collective redundancy and fire and rehire obligations. • It will continue with its proposals to end fire and rehire save for where the employer has no alternative to remain viable through the ERB and by updating the Code of Practice on Dismissal and Re-engagement. • The doubling of the maximum protective award from 90 to 180 days will mean that, in the context of dismissal and re-engagement, the 25% uplift to a protective award which came into force in January 2025 will lead to a further increase of up to 45 days where an employer fails to follow the Code of Practice on Dismissal and Re-engagement. We await further consultation on updating the Code of Practice on Dismissal and Re-engagement this year.	comply with the Code of Practice on Dismissal and Re-engagement or another applicable code of practice comes into force on **20 January 2025.** • Awaiting details of measures to replace the Code in the Employment Rights Bill (see above).
5.	Neonatal Care (Leave and Pay) Act 2023	**Neonatal Care (Leave and Pay) Act 2023** The Neonatal Care (Leave and Pay) Act 2023 received Royal Assent on 24 May 2023. The Act requires regulations to be made to give parents the right to take neonatal care leave and receive neonatal care pay entitlement. Regulations are expected to give parents up to 12 weeks of paid leave, in addition to other leave entitlements such as maternity and paternity leave, so that they can spend more time with their baby who is	6 April 2025

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		receiving neonatal care (having been born prematurely or sick) in a hospital or other agreed care setting. It will be a day one right for employees and will apply to parents of babies admitted to hospital up to the age of 28 days and who have a continuous stay in hospital of seven full days or more. The new entitlements will come into force on 6 April 2025.	
6.	Paternity Leave (Bereavement) Act 2024	**Paternity Leave (Bereavement) Act 2024** The Paternity Leave (Bereavement) Bill, a private member's bill sponsored by Labour and with cross-party support, was passed to become the Paternity Leave (Bereavement) Act 2024. The Act removes the usual 26-week minimum service requirement for paternity leave in this situation, making it a 'day one' right. Measures include ensuring leave entitlement if both mother and child die, allowing paternity leave even if shared parental leave was taken and introducing the possibility of KIT days during leave. The Act's new paternity leave rights will only become effective after further regulations are made, which, in practice, means that the Act now needs to be implemented by the new government. There have also been hints about extending paternity leave to 52 weeks, but this would need to happen through additional regulations, so is something to be addressed by Government. The Conservative government had indicated that it would aim to bring the reforms into force in April 2025 and Labour had said that it would also pass the necessary regulations. The Act only provides access to leave, rather than pay. It's not clear if rights to pay will also be extended, so this may also be addressed by Government. The Government has indicated that its promised review of the parental leave entitlements is due to start before the ERB receives Royal Assent, possibly in the summer. It is likely to look at a number of issues including relating to paternity leave, kinship care and pay for carer's leave. We await further details.	The Act's new paternity leave rights will only become effective after further regulations are made. Those regulations will need to be implemented by the new government.
7.	Employment (Allocation of Tips) Act 2023	**The Employment (Allocation of Tips) Act 2023** The Employment (Allocation of Tips) Act 2023 was fully brought into force on 1 October 2024. It provides a requirement that employers pass all tips to staff in full without deductions, save for those required by tax law. Employers are required to have a written policy on tips and to distribute them in a fair, transparent and consistent way and to keep records of how tips have been dealt with for three years from the date received.	1 October 2024. The Government has said that the majority of proposed changes set out in the Employment Rights Bill are

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		A statutory Code of Practice which promotes fairness and transparency in distribution of qualifying tips, gratuities and service charges, setting out key principles of fairness and suggesting how employers can apply them to different aspects of developing and implementing a policy on the treatment of tips came into force on 1 October 2024 alongside other provisions of the Employment (Allocation of Tips) Act 2023. The Employment Rights Bill proposes to introduce a new requirement for consultation and review of written policy about allocating tips etc. We await further details.	not expected to take effect until 2026.
8.	The Employment Rights Bill will amend the Worker Protection (Amendment of Equality Act 2010) Act 2023	**Harassment: Extension of the duty to prevent harassment in the workplace** **The Worker Protection (Amendment of Equality Act 2010) Act 2023** came into force on 26 October 2024. Under the Act, employers are under a new duty to take reasonable steps to prevent sexual harassment of their employees in the course of their employment. Breach of this duty may be enforced by the Equality and Human Rights Commission (EHRC) under its existing enforcement powers and, where a claim for sexual harassment has been upheld by an employment tribunal, the tribunal may order an uplift of up to 25% of any compensation awarded for sexual harassment if the tribunal considers that the duty to take reasonable steps to prevent sexual harassment has been breached. **Further changes are expected.** Under the Employment Rights Bill (see above), the Government proposes to extend the scope of the new duty by amending the Equality Act 2010 to: 1. **Strengthen the requirement for employers to take *all* reasonable steps** to prevent sexual harassment at work. 2. **Re-introduce employer liability for third party harassment for all relevant protected characteristics** so that, in addition to an employer being prohibited from harassing their own employees or job applicants, they must also not permit a third party to harass their employees, which would occur if both of the following apply: • The third party harasses the employee in the course of their employment with the employer. • The employer failed to take all reasonable steps to prevent the third party from harassing the employee in the course of their employment. A "third party" will mean a person other than the employer or one of its employees.	The Worker Protection (Amendment of Equality Act 2010) Act 2023 came into force on 26 October 2024. The Government has said that the majority of proposed changes set out in the Employment Rights Bill are not expected to take effect until 2026.

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		3. **Make complaints of sexual harassment public interest disclosures,** so that it will be a protected disclosure for an employee to report that sexual harassment has occurred, is occurring or is likely to occur. This reflects the government's manifesto commitment to strengthen the rights of whistleblowers in relation to sexual harassment. The ERB also proposes to introduce a power to introduce regulations specifying the reasonable steps an employer must take to prevent sexual harassment.	
9.	Victim and Prisoners Act 2024 – Confidentiality Clauses and NDAs	**Confidentiality clauses and non-disclosure agreements** The Victim and Prisoners Act 2024 received Royal Assent on 24 May 2024. Section 17 of the Act clarifies that confidentiality clauses and NDAs cannot be legally enforced if they prevent victims from reporting crime and will ensure information related to criminal conduct can be discussed with the following groups without fear of legal action: • Police or other bodies which investigate or prosecute crime. • Qualified lawyers and any individual entitled to practise a regulated profession for the purpose of obtaining professional support from that service in relation to the relevant conduct. • An individual who provides a service to support victims, for the purpose of obtaining support from that service in relation to the relevant conduct. • A regulator of a regulated profession for the purpose of co-operating with the regulator in relation to relevant conduct. • Someone authorised to receive information on behalf of any of the above for the purposes mentioned above. • A child, parent or partner of the person making the disclosure, for the purposes of obtaining support in relation to the relevant conduct. Section 17 of the Act will come into force on a day to be appointed in regulations made by the Secretary of State. Those regulations have not yet been made. The Act also provides that regulations can be made which amend the disclosures permitted by section 17 or extend its application to a provision which purports to impose an obligation or liability in connection with a permitted disclosure.	Regulations required for a date when section 17 will come into force.

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		In a debate in the House of Commons in March 2025, the Government indicated that it is pressing ahead with plans to implement the provisions relating to NDAs in the Victims and Prisoners Act 2024. An update is expected from Government to confirm when section 17 will come into force or when it will bring in new regulations to amend the provisions.	
10.	Strikes (Minimum Service Levels) Act 2023	**Strikes (Minimum Service Levels) Act 2023: to provide minimum service levels for key sectors** The Government has confirmed that the new Strikes (Minimum Service Levels) Act 2023 enabling minimum service levels to be implemented through regulations in six key sectors of health, education, fire and rescue and transport services as well as border security and decommissioning nuclear installations and management of radioactive waste and spent fuel will be repealed via the Employment Rights Bill. In the meantime, a **policy paper** published on 6 August 2024 emphasises that it is the Government's policy that employers will be encouraged to avoid imposing minimum service levels on their workforce and seek alternative mechanisms for dispute resolution, including voluntary agreements and engaging in negotiation and discussion with trade unions, until the Act is repealed.	To be repealed via the Employment Rights Bill.
11.	TUPE	**Consultation on TUPE reforms** On 16 May 2024, the Conservative government announced it was consulting on TUPE reforms following on from its 2023 consultation on reforms to retained EU employment law. Proposals were: • **Proposal 1: Reaffirming that only employees are protected by TUPE** – This follows on from Dewhurst v (1) Revisecatch Ltd (t/a Ecourier) and (2) City Sprint (UK) Ltd which concluded that TUPE applies to limb (b) workers as well as employees. Although it was an ET case and not binding, it created uncertainty for businesses on whether TUPE applies to limb (b) workers. The previous government proposed to amend the definition of "employee" in TUPE to clarify that limb (b) workers are not protected by the TUPE. • **Proposal 2: Removing the obligation to split employees' contracts between multiple employers where a business is transferred to more than one new business –** This follows the case of *ISS Facility Services NV v Govaerts and Atalian NV* where the CJEU ruled that a full-time employment contract can be split between multiple employers when a TUPE transfer involves multiple	The consultation closed on 11 July 2024. It is not yet known if the new government will continue with these proposals. The Government will launch a call for evidence on issues relating to TUPE.

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		"transferees". This was the cleaning contract which was divided between two different companies and the CJEU ruled that the split should be in proportion to the tasks performed for each company. The previous government proposed to amend TUPE to clarify that an employment contract should only transfer to one employer and not split between multiple employers. Instead, the employers taking over the business or service would be required to agree who should be responsible for each employee's contract. • **Proposal 3: Abolishing the legal framework for European Works Councils (EWCs)** – Following Brexit, the UK legislated to prevent the establishment of new EWCs in the UK. The regulatory framework was maintained to allow existing EWCs to continue to operate, to give certainty to businesses. The previous government proposed to repeal the legal framework for EWCs in the UK which will include a repeal of the current requirement to maintain existing EWCs.	

FUTURE KEY CASES

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
1.	Randall v Trent College Ltd and others	**Discrimination: Belief discrimination following controversial sermon** A Tribunal rejected a school chaplain's claim for religion or belief discrimination follow a sermon he delivered in the school chapel. In the sermon the chaplain said that pupils did not have to accept the ideas and ideologies of LGBT activists where they conflict with Christian values and they should make up their own minds. The Tribunal held that the school had been justified in objecting to the way the chaplain manifested his beliefs as it was contrary to his safeguarding duties and the school's statutory duties to the pupils. The chaplain appealed to the EAT. There was a preliminary hearing in the EAT on 4 March 2025.	Preliminary hearing in the EAT held on 4 March 2025.

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2.	Miller v University of Bristol	**Discrimination: Protected philosophical belief** An employment tribunal held that an academic's anti-Zionist beliefs qualified as a protected philosophical belief under the Equality Act 2010 and that his summary dismissal was an act of direct discrimination and was unfair. The case is due to be heard by the EAT on 12 November 2025.	Due to be heard in the EAT on 12 November 2025.
3.	Dobson v Cumbria Partnership NHS Foundation Trust	**Indirect Sex Discrimination: Flexible working** Having been remitted, the employment tribunal has upheld its original decision that the claimant had not been indirectly discriminated against or unfairly dismissed. Dismissal for refusing to work weekends was a proportionate means of achieving a legitimate aim of providing 24/7 care in the community, balancing workload among the team and reducing costs of using more senior nurses at the weekend. An employer's needs as a whole must sometimes prevail and the principle of allowing flexible working cannot be applied too strictly. The case was heard by the EAT on 16 December 2024. We await judgment.	Case was heard on 16 December 2024, judgment awaited.
4.	Bailey v (1) Stonewall Equality Ltd (2) Garden Court Service Company (3) representatives of Garden Court Chambers	**Religion and belief: did a barristers' chambers discriminate against a barrister due to her 'gender critical' philosophical beliefs and did the organisation Stonewall instruct, cause or induce that discrimination?** An employment tribunal held that Garden Court Chambers had discriminated against a barrister for holding 'gender critical' beliefs and for expressing misgivings about Stonewall's policy aims, but rejected the claimant's claim against Stonewall for instructing, causing or inducing that discrimination. The employment tribunal found that the communications from Stonewall relating to the claimant were just a protest and not sufficient to amount to an inducement, or attempted inducement, of any particular course of action by Garden Court. On appeal, the EAT concluded that the employment tribunal had not erred in rejecting Ms Bailey's claim against Stonewall. A £20,000 costs award was made against representatives of Garden Court Chambers for unreasonable conduct of their solicitor in preparing the trial bundle in the employment tribunal case. The case is due to float in the Court of Appeal on 21 or 22 October 2025.	Case is due to float in the Court of Appeal on 21 or 22 October 2025.

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5.	For Women Scotland Ltd v Scottish Ministers	**Equality Act 2010: Definition of "woman"** The Inner House of the Court of Session confirmed that the definition of "woman" in the Equality Act 2010 includes trans women with a gender recognition certificate. The appeal was heard in the Supreme Court on 26 and 27 November 2024.	Case was heard by the Supreme Court on 26 and 27 November 2024. Judgment awaited.
6.	Sullivan v Isle of Wight Council	**Whistleblowing: Can an external job applicant bring a whistleblowing claim?** The EAT has held that the Employment Rights Act 1996 should not be interpreted to allow an external job applicant to bring a whistleblowing claim. The case was heard by the Court of Appeal on 19 February 2025 and judgment reserved.	The case was heard by the Court of Appeal on 19 February 2025 and judgment reserved.
7.	(1) Ryanair DAC, (2) Storm Global/MCG Aviation v Lutz	**Employment status** The EAT has upheld the tribunal's decision that a pilot supplied to Ryanair by an aviation recruitment company on a five-year contract through a service company was an agency worker under the Agency Workers Regulations 2010 and not a self-employed contractor. Due to be heard by the Court of Appeal on 1 or 2 April 2025.	Due to be heard by the Court of Appeal on 1 or 2 April 2025.
8.	Jiwanji and others v East Coast Main Line Company Ltd and others	**Trade Unions: Inducements relating to collective bargaining** An employment tribunal ruled that a pay award put directly to rail workers did bypass collective bargaining and was an unlawful inducement under s145B TULRCA. It concluded that when the offer was made to staff there was no impasse in the negotiations and there was a realistic chance of the terms being agreed collectively. It held that the employer decided unilaterally to end collective bargaining because it no longer wished to participate in it. On the question of the employer's sole or main purpose for making the offer, it was held that the offer was not a result of a genuine belief on management's part that collective bargaining was already at an end and the employer's purpose was to achieve the result that the terms would not be collectively bargained. The EAT granted permission to appeal on 21 March 2024 and the case is due to be heard on 1 May 2025.	The EAT granted permission to appeal on 21 March 2024. Due to be heard on 1 May 2025.

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9.	Melki v Bouygues E&S Contracting UK Ltd	**Tribunal Practice and Procedure** Judgment delivered by the EAT on 13 March 2024. The EAT held that the claimant's failure to attach grounds of resistance to his Notice of Appeal was more than a minor error under the Employment Appeal Tribunal Rules and the EAT could not extend time for the claimant to present his appeal. Due to float in the Court of Appeal on 26 or 27 March 2025.	Due to float in the Court of Appeal on 26 or 27 March 2025.
10.	Augustine v Data Cars Ltd	**Employment status** Although a part-time private hire driver was treated less favourably that a full-time comparator, it did not breach the Part-Time Workers (Less Favourable Treatment) Regulations 2000. The EAT felt bound to follow the ruling of the Court of Session (though not strictly bound by the Court's decisions) which applied a "sole reason" test. The EAT preferred a construction which considered the "effective and predominant cause" of the less favourable treatment. The case has been appealed to the Court of Appeal to be heard by 7 July 2025.	To be heard by the Court of Appeal by 7 July 2025.
11.	Corby v ACAS	**Belief discrimination: opposition to critical race theory** An employment tribunal held that a claimant's opposition to critical race theory (as opposed to his anti-racist beliefs based on the ideas of Martin Luther King Jr) is a protected belief under the Equality Act 2010. The claimant's beliefs passed all five stages of the *Grainger* test and were therefore capable of protection under the EqA. An appeal has been lodged and a preliminary hearing is due to be heard by the EAT on 4 September 2025.	Preliminary hearing is due to be heard in the EAT on 4 September 2025.
12.	Rice v Wicked Vision Ltd	**Whistleblowing detriment** The EAT considered that in a whistleblowing claim it was only possible to bring a claim that dismissal amounted to a detriment under s47B ERA if it was not possible to bring a claim for dismissal for making a protected disclosure under s103A ERA. Due to be heard by the Court of Appeal on 14 or 15 October 2025.	Due to be heard by the Court of Appeal on 14 or 15 October 2025.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
13.	Groom v Maritime & Coastguard Agency	**Employment Status** The EAT held that a volunteer was a worker when attending activities for which they were entitled to remuneration. Permission to appeal granted on 12 August 2024. The case is due to be heard by the Court of Appeal on 18 or 19 November 2025.	Due to be heard by the Court of Appeal on 18 or 19 November 2025.
14.	Thandi and others v Next Retail Ltd and another	**Equal Pay** An employment tribunal found that the retailer Next breached equal pay law by paying its warehouse staff more than its shop-floor sales staff, despite the jobs being of equal value. The tribunal determined that the material factors relied on by Next to justify the pay disparity for basic pay, including market forces, indirectly discriminated against female employees, who predominantly worked in sales roles. Next's argument that the pay difference was motivated by cost-cutting measures was rejected, as cost-cutting alone was not a legitimate aim. For the time being, this is an employment tribunal decision, so it is not binding on future tribunals. If it is not overturned on appeal, it could have significant ramifications for employers who want to defend equal pay claims on the basis they are paying market rate for certain roles. An appeal has been lodged and a preliminary hearing is due to be heard by the EAT on 22 May 2025.	A preliminary hearing is due to be heard by the EAT on 22 May 2025.
15.	Hewston v Ofsted	**Unfair dismissal: Reason for dismissal** The EAT upheld an appeal of a school inspector who was unfairly dismissed following an investigation and disciplinary process looking into an inspection visit where some children came in soaking from the rain and the claimant brushed some water off a pupil touching the child's head and shoulder. The tribunal failed to consider properly the fact that the claimant had not been told, by a written policy, training or otherwise, that a single incident of physical contact could result in his dismissal. The tribunal had also not made it clear, in the claim of wrongful dismissal, that it had considered whether the claimant's conduct amounted to a repudiatory breach and/or why. The Court of Appeal has dismissed Ofsted's appeal and upheld the EAT's decision that Ofsted acted unfairly when it dismissed the school inspector. This was an extemporary judgment and we await the written reasons.	The Court of Appeal delivered an extemporary decision at the hearing on 17 October 2024. We await the written reasons.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
16.	Carozzi v University of Hertfordshire and another	**Race Discrimination: Comments about an accent** The tribunal found that comments about an employee's accent were not motivated by her race and dismissed her harassment claim. The EAT upheld an appeal and said that the tribunal had taken a far too narrow view. For a harassment claim to succeed, there must be unwanted conduct "related to" a protected characteristic, such as sex or race, it does not have to be "because of" the protected characteristic. It had been wrong to conclude that a mental element was needed in a claim of harassment. Harassment can take place because of a protected characteristic, but there can also be circumstances in which harassment occurs, but the harasser is not motivated by the protected characteristic. An accent may be an important part of a person's national or ethnic identity and comments about an accent could be related to the protected characteristic of race, and criticisms of it could amount to harassment. Permission to appeal has been sought.	Permission to appeal has been sought.
17.	Ngole v Touchstone Leeds	**Religion or Belief Discrimination: Withdrawal of job offer** A tribunal held that the retraction of a job offer from a Christian mental health support worker was direct discrimination. The charity does a significant amount of work with people in the LGBTQI+ community and the claimant had made Facebook posts expressing negative views about homosexuality. Withdrawing the job offer before the second interview was not proportionate and put too great a limitation on the claimant's freedom of expression.	Due to be heard in EAT by 29 October 2025.
18.	Afshar and others v Addison Lee Ltd	**Deductions from wages** A tribunal held that Addison Lee drivers were workers for the purposes of holiday pay, national minimum wage and deductions from wages claims. It went on to find that the two year backstop on deductions from wages claims in the Employment Rights Act 1996 was ultra vires and of no effect. An appeal has been lodged.	An appeal has been lodged.
19.	Lister v New College Swindon	**Religion or belief discrimination: gender-critical beliefs** A Tribunal dismissed claims for discrimination where claimant was dismissed for refusing to use a gender transitioning student's name and chosen pronouns and for subjecting the student to trans-phobic discrimination and harassment. A preliminary hearing is due to be heard by the EAT on 29 May 2025.	A preliminary hearing is due to be heard by the EAT on 29 May 2025.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
20.	Thomas v Surrey and Borders Partnership	**Religion or belief discrimination** The EAT dismissed an appeal against a tribunal decision that a worker's belief in English nationalism which included anti-Muslim beliefs did not pass the threshold to constitute a protected philosophical belief under the Equality Act 2010 and that the belief fell within Article 17 of the European Convention on Human Rights (prohibiting abuse of rights) as it was aimed at the destruction of the rights of others, including a belief in the coercive removal of Muslims from the UK. Permission to appeal has been sought. Awaiting judicial decision on the papers.	Permission to appeal has been sought. Awaiting judicial decision on the papers.

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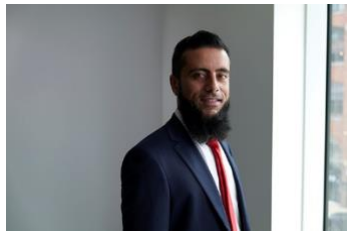

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