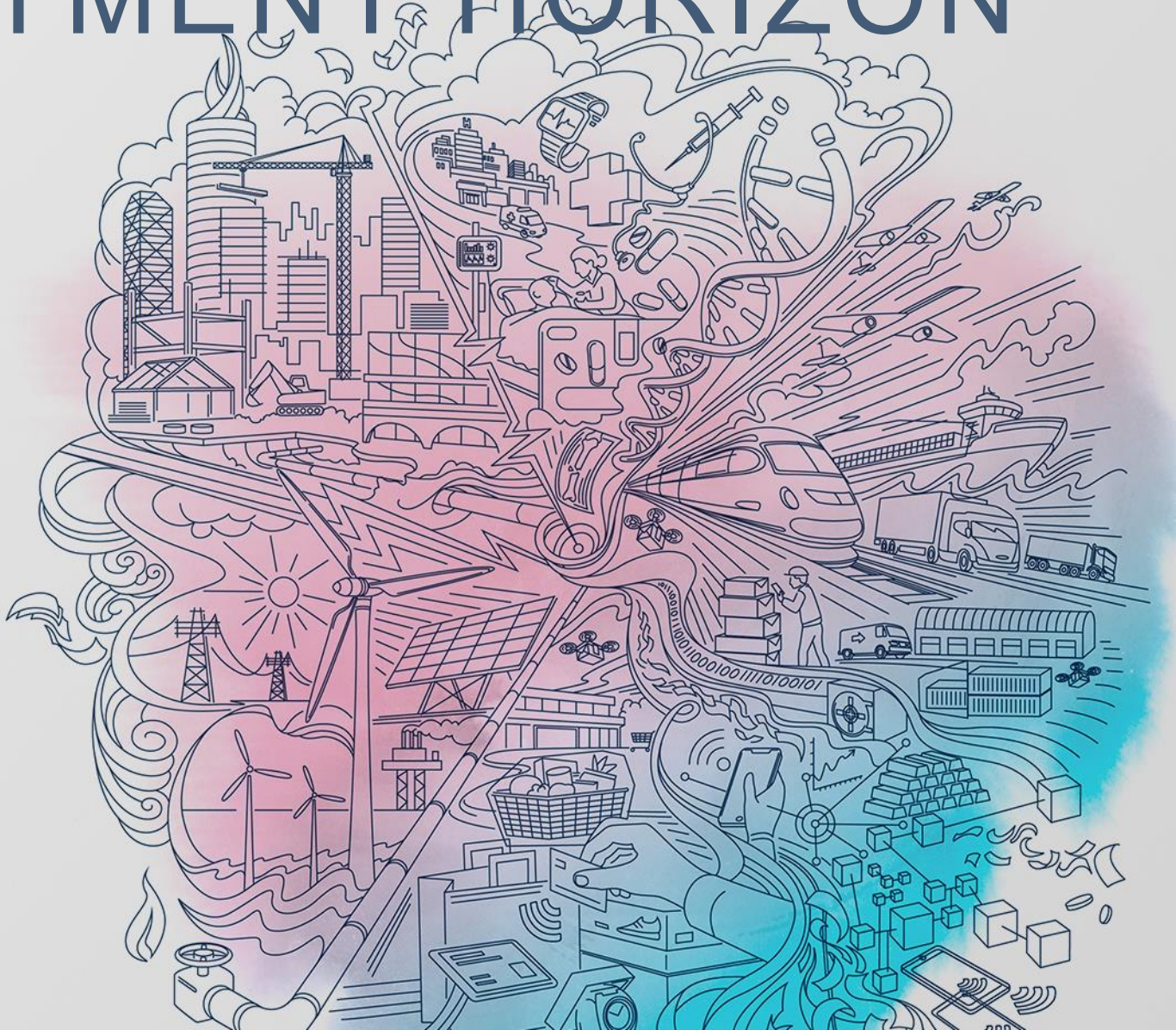
UK EMPLOYMENT HORIZON SCANNER

July 2025



ADDLESHAW GODDARD

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. In July 2025, the Government published an implementation roadmap for the ERB (**Roadmap**) and tabled amendments ahead of the Report Stage in the House of Lords. The Roadmap reveals that the Government will take a phased approach to both consultation and implementation of the ERB, with consultation due to take place between Summer 2025 and early 2026 and commencement due to take place in stages starting from Autumn 2025 and running through to 2027. The amended ERB contains the following proposals: • Banning exploitative **zero-hour contracts** and ensuring workers have a **right to a guaranteed hours contract** (**consultation in Autumn 2025, implementation in 2027**) 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 (i) confirm that agency workers will be included in the zero hours measures, (ii) allow contracting out from the zero hours measures under the terms of a collective agreement for zero and low hours workers and agency workers, (iii) introduce anti-avoidance provisions to prevent employers avoiding the duty to offer guaranteed hours by ensuring workers work less than the threshold number of hours during the reference period, (iv) require end-hirers to make a guaranteed hours offer to an agency worker that protects the agency worker's pay and conditions, so that these are no less favourable than they had previously been working under (or those of comparable workers who do broadly similar work), (v) clarify that when an agency worker accepts a guaranteed hours offer from an end-hirer, they will become a worker. • **Ending 'Fire and Rehire' and 'Fire and Replace'** (implementation **October 2026**) save in very limited circumstances where an employer has no alternative to remain a viable business. The Government will not	In July 2025, the Government published a consultation and implementation roadmap for the ERB (**Roadmap**), revealing that: (a) the Government will take a phased approach to consulting on key measures between now and early 2026; before also (b) phasing commencement of the various aspects of the ERB to come into force from Autumn 2025 through until 2027. Some of the most significant measures have been held over for at least another eighteen months. **Measures now not taking effect until 2027 include**: (i) 'Day 1' rights to unfair dismissal; (ii) Ending 'exploitative' zero hours contracts (with corresponding measures for agency workers); (iii) Alternative threshold for triggering collective redundancy consultation;

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		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. A Government amendment will ensure that failure to agree to a variation of contract does not apply to employees who have not yet started work.
		• In response to concerns that the new provisions could apply to relocation situations (requiring employers to have to budget for significant automatic unfair dismissal costs if not all employees agreed to the change of place of work), in July 2025, the Government introduced amendments to soften the ban so that:
		  • The ban will only apply to 'restricted variations', including reductions in an employee's pay or holidays, changes to hours, pension and other changes defined in regulations (which may include benefits), but <u>not</u> location or duties. The ban will also include any dismissals relating to an attempt to impose a new flexibility clause covering any of these changes.
		  • Where an employee is dismissed for failing to agree to a variation of their contract that is not a 'restricted variation', the dismissal will no longer be automatically unfair and the matters that must be considered in determining whether the dismissal is fair or unfair are set out in a new provision, which requires tribunals to take account of the reason for the variation, any individual or collective consultation and anything the employee was offered in return for the change.
		• However, another amendment provides that dismissals will be automatically unfair if the reason for dismissal is to <u>replace</u> an employee with someone who is not employed (e.g. self-employed independent contractors, agency workers or any other individuals who are not employed by the employer), if any such replacement is going to do substantially the same work. This is provided that the 'financial difficulty' exemption does not apply and the employer could not reasonably have avoided the need to replace the employee.
		• Making **paternity leave and parental leave** a day one right (implementation **April 2026**).
		• Establishing **bereavement leave** going beyond the existing parental bereavement leave (implementation **2027**) 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. In July 2025, the Government tabled amendments extending the new statutory bereavement leave to employees who experience pregnancy loss before 24 weeks. This will entitle mothers and their partners to at least one week of leave, although the exact amount of leave is still to be consulted on.
		• **Protection from unfair dismissal** (consultation Summer/Autumn **2025**, implementation **2027**) will become available from day one removing the current two-year qualification period (with probationary periods to assess new hires). A Government amendment will allow it to impose a cap on compensation awards during the initial period of employment.
		• Making **Statutory Sick Pay** (SSP) a day one right (implementation **April 2026**) by removing the current three-day waiting period and also removing lower earnings limit for to all workers. In response to
			(iv) Mandating gender pay gap and menopause support action plans for employers with 250+ employees;
			
			(v) Making it unlawful to dismiss a woman during pregnancy and up to 6 months after her return to work;
			
			(vi) Regulating umbrella companies;
			
			(vii) Flexible working;
			
			(viii) Bereavement leave including pregnancy loss before 24 weeks;
			
			(ix) Blacklisting;
			
			(x) New industrial relations framework; and
			
			(xi) Enabling regulations to specify steps that are 'reasonable' to determine whether an employer has taken all reasonable steps to prevent sexual harassment.

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		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 (implementation **2027**), with refusal of requests only where it is reasonable on prescribed grounds. • Strengthening **protections for new mothers** (implementation **2027**) 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** (implementation **April 2026**), to strengthen enforcement of workplace rights. (See entry below). • **Updating trade union legislation** (implementation across **2025, 2026, 2027**), 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. Further amendments on 10 June 2025 will require an employer to provide certain information within 5 days of a TU application for recognition and will lengthen the proposed period during which the union and employer can try to agree arrangements for access to workers in the proposed bargaining unit from 15 days to 20 days. An amendment also will allow for application to the CAC to decide whether a bargaining unit remains appropriate after a union has been recognised. • Reintroducing employer liability for **third party harassment** for all relevant protected characteristics (implementation **October 2026**). • Strengthening the requirement for employers to take ***all*** reasonable steps to **prevent sexual harassment** at work and protections for women reporting sexual harassment (implementation **October 2026**). • 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	

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		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 (consultation winter/early **2026**, implementation **2027**). 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 (implementation **2027**). • Introducing a new requirement for consultation and review of written policy about **allocating tips** etc (implementation **October 2026**). • Amend the Procurement Act 2023 to protect transferring workers on **outsourcing contracts** and introduce a two-tier workforce code of practice for outsourced workers in the public sector (implementation **October 2026**). • An amendment to the ERB extends the **time limits for bringing an employment tribunal claim** from 3 to 6 months (implementation **October 2026**). • In July 2025, the Government announced that it will amend the ERB to **make void any provision in an agreement between an employer and a worker which tries to prevent the worker making an allegation or disclosure about work-related harassment or discrimination**. It also includes disclosures about how the employer responds to such an allegation or disclosure. If passed, these rules will mean that any confidentiality clauses in settlement agreements or other agreements that seek to prevent a worker speaking about an allegation of harassment or discrimination will be null and void. It is not yet clear when it could come into effect as this provision was not included in the Roadmap. • 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 (implementation **April 2026**). 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.	

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		Other measures alongside the Employment Rights Bill include: • **A review of the parental leave system.** On 1 July 2025, the Government launched a review of the parental leave system. The review is expected to run for 18 months. To inform the work of the review, a **call for evidence is open until 29 August 2025** to test the objectives that government have set out in the terms of reference, better understand the extent to which the current system supports these and gain any new information or evidence that has not previously been shared with the government that relates directly to the objectives of the review. • 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. It has been reported in the media 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**. The ERB is progressing going through the House of Lords where a number of further amendments are being debated and some of which have been agreed relating to zero hours, low hours and agency worker provisions. 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	

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		industrial relations, recruitment and dismissals will be impacted and business reorganisations and outsourcing are likely to become more complex.	
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.	April 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: • 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.	The Government consultation on the Equality (Race and Disability) Bill closes on 10 June 2025, with a draft bill to be published during this parliamentary session for pre-legislative scrutiny.

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		• 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 launched a consultation in March 2025 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 closed 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	
4	Equality law issues	**Call for evidence on equality law issues** The Government has published a **call for evidence** seeking feedback on areas of existing equality legislation and possible equality law reform. The evidence gathered will help to shape the forthcoming Equality (Race and Disability) Bill. The call for evidence is wide ranging and includes seeking views on: • The prevalence of **pay discrimination** on the basis of race and disability. • Making the right to **equal pay** effective for ethnic minority and disabled people. • Measures to ensure that **outsourcing of services** can no longer be used by employers to avoid paying equal pay. • Improving the **enforcement of equal pay rights** by establishing an Equal Pay Regulatory and Enforcement Unit, with the involvement of trade unions. Government is considering ways a new unit could strengthen equal pay provisions, whether by building on the Equality and Human Rights Commission's existing role or through new functions.	Call for evidence closes on 30 June 2025.

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		• Improving **pay transparency**. Government is looking to build evidence before deciding whether changes in this area would be appropriate. • Strengthening protections against combined discrimination. **Dual discrimination** in s14 of the Equality Act 2010 has never been brought into force despite repeated calls from Women and Equalities Committee. • Creating and maintaining workplaces and working conditions **free from harassment**. The call for evidence **closes on 30 June 2025.**	
5	EHRC Statutory Code of Practice for Services, Public Functions and Associations and EHRC non-statutory interim guidance	**EHRC Interim Guidance and Consultation on updates to its Code of Practice for Services, Public Functions and Associations** The Equality and Human Rights Commission (EHRC) has published its **consultation** to update its statutory Code of Practice for services, public functions and associations following the Supreme Court's *For Women Scotland* judgment. The EHRC has made a number of technical amendments to its draft Code of Practice and is seeking views on whether the updates outlined in the consultation clearly articulate the practical implications of the judgment and enable those who will use the Code to understand, and comply with, the Equality Act 2010. The consultation **closed on 30 June 2025** and an updated Code of Practice is expected to be published for government approval by the end of July 2025. Employers have been asking whether the EHRC's Employment Code of Practice will also be updated following the Supreme Court's judgment. We have been told that: "The services Code of Practice is one of a range of statutory and non-statutory guidance the EHRC will be working to update, following the Supreme Court's judgment on the definition of sex in the Equality Act 2010. In due course this will include an Employment Code of Practice." Following the Supreme Court judgment on the definition of "man", "woman" and "sex" in the Equality Act 2010, the EHRC has also published non-statutory **interim guidance** on the practical implications of the judgment pending further guidance to be available in due course. The interim guidance provides that **in workplaces**, it is compulsory to provide sufficient single-sex toilets, as well as sufficient single-sex changing and washing facilities where these facilities are needed. The Guidance confirms that in relation to **both workplaces and services** that are open to the public: • Trans women (biological men) should not be permitted to use the women's facilities;	Consultation closed on 30 June 2025.

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		• Trans men (biological women) should not be permitted to use the men's facilities; and • Where there is only single-sex provision, trans people should not be left without facilities to use, so where possible, mixed-sex toilet, washing and/or changing facilities should be provided (each in a separate lockable room) in addition to sufficient single-sex facilities.	
6	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. 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	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 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).

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		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.	
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. 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.	1 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.
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: • Strengthen the requirement for employers to take *all* reasonable steps to prevent sexual harassment at work.	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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		• 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.
		• **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.	1 October 2025

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		Section 17 of the Act will come into force on 1 October 2025 and the Government has published guidance explaining the changes to NDAs and confidentiality clauses in all sectors from that date. 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. The Government has now published draft regulations in exercise of that power to add to the list of persons to whom disclosures are permitted which are: • The Criminal Injuries Compensation Authority, for the purpose of a claim for compensation in relation to the relevant criminal conduct under the Criminal Injuries Compensation Scheme or the Victims of Overseas Terrorism Compensation Scheme. • A court or tribunal, for the purpose of issuing or pursuing any proceedings in relation to a decision of the Criminal Injuries Compensation Authority made in connection with a claim mentioned above. • A person authorised to receive information on behalf of either of the above, for the relevant purposes mentioned above.	

FUTURE KEY CASES

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
1.	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.
2.	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.
3.	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.	Case is due to float in the Court of Appeal on 21 or 22 October 2025.

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		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.	
4.	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 was heard on 1 May 2025.	The EAT granted permission to appeal on 21 March 2024. Heard scheduled for 1 May 2025. Pending settlement awaiting withdrawal by consent order.
5.	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 was appealed to the Court of Appeal. While a majority considered the Court of Session case (McMenemy v Capita Business Services Ltd) was wrongly decided, it held that it was highly desirable that the decision be followed, given that it pertained to a statutory provision applicable throughout Great Britain. Given its misgivings about McMenemy, the Court granted leave to appeal to the Supreme Court so that the issue can be decisively resolved.	Heard by the Court of Appeal on 10 April 2025. Permission to appeal to the Supreme Court granted.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
6.	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.
7.	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 October 2025.	Due to be heard by the Court of Appeal on 14 October 2025.
8.	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.
9.	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.	A preliminary hearing was heard by the EAT on 22 May 2025.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
		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 was heard by the EAT on 22 May 2025.	
10.	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.
11.	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 granted. Awaiting hearing date.	An appeal has been granted. Awaiting hearing date.
12.	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 was heard by the EAT on 29 May 2025.	Preliminary hearing heard on 29 May 2025.
13.	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	Permission to appeal has been sought. Awaiting correction of defects in the bundle. Adjourned on papers on 25 March 2025.

NO	CASE	SUMMARY AND IMPACTS	CURRENT STATUS
		removal of Muslims from the UK. Permission to appeal has been sought. Awaiting correction of defects in the bundle. Adjourned on papers on 25 March 2025.	
14.	Appiah v Tripod Partners Ltd	**Agency worker and unlawful deduction from wages** An employment tribunal held that a consultant who contracted with a recruitment agency through a service company was a worker for the agency for the purposes of an unlawful deduction from wages claim under the Employment Rights Act 1996.	Appeal to the EAT has been granted. Awaiting a hearing date.
15.	Abel Estate Agents Ltd and others v Reynolds	**ACAS Early Conciliation** The EAT held that on the proper construction of s18A of the Employment Tribunals Act 1996, a claimant's failure to comply with the requirement to undertake ACAS early conciliation does not deprive the tribunal of jurisdiction to hear the claim. An appeal was heard in the Court of Appeal on 12 June 2025. Awaiting judgment.	Heard in Court of Appeal on 12 June 2025. Awaiting judgment.
16.	Cable News International Inc v Bhatti	**Cross-border jurisdiction** The EAT has upheld a tribunal’s decision that it has both territorial and international jurisdiction to hear the claims brought by a peripatetic journalist against her former US-based employer.	Permission to appeal to the Court of Appeal has been sought.

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