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**NUJ briefing Employment Rights Bill – November 2024**

The National Union of Journalists welcomes the Employment Rights Bill as a crucial piece of legislation with wide-ranging impact focused on strengthened rights for workers. The NUJ is seeking engagement with government as part of its commitment to consult with trade unions, to ensure the views of journalists and the impact of proposals on them is captured.

**Trade union rights**

The NUJ has been vocal in its condemnation of the Strikes (Minimum Service Levels) Act and its detrimental impact to workers in our sister unions. We welcome government’s commitment of its repeal when the Employment Rights Bill receives Royal Assent.

Since the introduction of the Trade Union Act 2016, unions have faced increased thresholds impacting successful recruitment, organising and balloting efforts. Proposals in the bill to redress the balance by repealing several provisions in the Act is positive and long overdue.

The Bill requires employers to inform new workers in writing of their right to join a trade union. In addition, reform will mean the Central Arbitration Committee (CAC) can grant recognition where a majority of workers in the bargaining unit vote in favour of it. This is positive and we recognise the abolishment of the 40% threshold as an important move to remove an unnecessary hurdle for union members seeking to gain a voice at work, better facilitating their efforts to achieve improved terms and conditions through collective bargaining.

Strengthened access rights will mean NUJ reps are better able to meet with potential members, advising on work the union undertakes and informing of their rights when recruiting at workplaces. The ability to complain to the CAC and have the body impose an agreement if the proposal of one is rejected by employers is positive, but the union remains apprehensive of the impact the CAC can have, since employers cannot be compelled to agree with an agreement. This should be reviewed and consideration given to whether the financial penalty imposed by the CAC on the employer and payable to government if an agreement is not followed, can be paid to unions instead.

The need for employers to demonstrate a request for facility time as unreasonable instead of the burden of proof being placed on union officers, is wholly welcomed by the union as it reduces the red tape on trade union activity.

No worker should be dismissed for participating in industrial action and we note strengthened protections against dismissal.

Journalists facing the decision to sign contracts with new weakened terms and conditions or risk being made redundant will now be better protected by the right to claim automatic unfair dismissal where this arises. Powers granted tribunals allowing for a 25% uplift on awards should act as a deterrent to unscrupulous employers. Employers must demonstrate at tribunal that their dismissal was to “significantly mitigate” financial difficulties affecting the business or likely to in the immediate future. It will be important to monitor cases to ensure thresholds are being met and employers are not finding ways to use this to dismiss staff.

The collective redundancy threshold will now apply when an organisation proposes to dismiss 20 employees. Reference to employees at ‘one establishment’ has been removed and will mean the NUJ is better able to support members in this position.

Although many changes are welcome, the Employment Rights Bill could go further to reduce the burdensome processes introduced under the 2016 Act, for example by removing the requirement for ballot mandates to expire after a period of six months. In the NUJ’s experience, many disputes and attempts to secure a negotiated outcome can take longer than six months so a move to increase the expiry of mandate to 12months would be a sensible and constructive change.

Whilst there is a proposed reduction in the information to include on an industrial notice, the need for some remaining lists and figures and the complex requirements on identifying workplaces should be reconsidered and repealed.

Electronic balloting has been a campaign focus of unions for several years, and the Bill states rollout will follow Royal Assent. The shackles on union democracy imposed by postal ballots have become increasingly challenging. For unions operating across jurisdictions – like the NUJ which includes members in the Republic of Ireland, across Europe and further afield – the marked increase in postal disruption and delays in receipt of letters, as parcels are prioritised, have severely impacted the running of elections. Our ability to facilitate member engagement with our democratic structures has been unnecessarily compromised and the speedy introduction of digital voting for statutory elections will be transformative. The NUJ is urging limited delays on the implementation of this issue and we welcome discussion with government as part of its proposed consultation with stakeholders including trade unions.

**Statutory sick pay (SSP)**

The bill removes the three-day waiting period for workers, granting rights to receive SSP from day one. In addition, reforms mean employees earning below £123 per week will now also be able to receive SSP. However, the NUJ is concerned that SSP remains too low at £116.75 and is a co-signatory on a letter by the Centre for Progressive Change to the Prime Minister urging an increase.

**Sexual harassment in the workplace**

The Bill strengthens existing duties on employers regarding the sexual harassment of employees by requiring them to take *all* reasonable steps to prevent its occurrence. We believe this will have a tangible impact across the media industry and welcome the disclosure of sexual harassment as protected, considering this important for the safety of employees who may otherwise fear repercussions for speaking out. The right to protection from third-party harassment related to varying protected characteristics is also welcomed by the union.

**Gender pay gap**

The NUJ has long campaigned on the disparities in salaries within the media industry. With a media pay gap of 11%, regulations requiring employers (with over 250 staff) to develop equality action plans are welcome and could lead to improved data necessary to address the gender pay gap. The Bill calls on plans to demonstrate steps being taken by employers related to gender equality including but not limited to, supporting employees going through the menopause and advancing equality of opportunity between male and female employees.

Employers with over 250 staff will need to report on ethnicity and disability pay in measures brought separately, in the Equality (Race and Disability) Bill**.** We welcome government’s commitment to implement a regulatory and enforcement unit for equal pay with the involvement of unions.

Government consultations on reforms are expected to commence next year with the majority of reforms taking effect from 2026. The NUJ will seek engagement with parliamentarians on amendments and welcomes ongoing discussion to ensure employment rights for members are adequately boosted.

Further reforms on workplace surveillance technologies, extension of the Freedom of Information Act to private companies with publicly funded contracts and improved protection for self-employed workers through the creation of a single worker status are outlined in the Next Steps to Make Work pay document. The NUJ looks forward to meaningful engagement on these issues with direct impacts on journalists.

**We urge parliamentarians to:**

* Welcome the bill and its aim of improved workers’ and trade union rights following the assault on unions through the Trade Union Act 2016 and subsequent Minimum Service Levels legislation
* Urge government to engage with the NUJ on amendments ensuring improved trade union rights e.g. on ballot mandates and lists are strengthened further to capture concerns
* Call on government to include the NUJ in its consultation process on electronic balloting
* Urge monitoring of reforms once implemented to ensure unscrupulous employers do not abuse loopholes or adopt approaches detrimental to workers. E.g. on unfair dismissal