

## **Newsletter - Employment Law Update May 2025**

- 1. Planned Tighter Controls on Changing Employment Contracts**
- 2. How do you stop the Public Harassing your Employees?**

### **1. Planned Tighter Controls on Changing Employment Contracts.**

The forthcoming Employment Rights Bill introduces a new law that makes it automatically unfair to dismiss an Employee for refusing a change to their Employment Contract. This may come into force as early as this October.

Currently, Employers can consult with their workforce to amend and change Contracts of Employment in response to changing circumstances or new challenges. To be able to do this the Employer needs a genuine business need, and to have conducted consultation with their workforce. If the Employer can demonstrate that there is a pressing need to change, and that a reasonable process of dialogue has been conducted with Employees, changes can be introduced.

The new legislation outlaws this.

If an Employer wants to amend a contract clause and the Employee says no, they can't be dismissed. For example, if demand for a position significantly drops, or increases, and the Employer wants to change the hours in response, it won't be able to enforce the change onto its workforce.

Even if new Employment legislation demands a contractual update, and an Employee refuses to accept the change, dismissal isn't an option.

### **2. How do you stop the Public Harassing your Employees?**

Recent legislation places responsibility for harassment of Employees by the public firmly on the shoulder of the Employer.

For organisations whose workers are in regular contact with the public this is a serious concern, as they have little control over how the public behave, and compensation for successful claims for harassment at an Employment Tribunal can be very high. However, those Employers who take "Reasonable Steps" to protect their staff can defend themselves against such claims.

Tribunals have struck out claims against Employers who can prove they have taken such steps. In *Leeds City Employer & Hodder v Leader* the Employer was able to demonstrate that:

- 1.** It had appropriate policies and procedures in place.
- 2.** Staff and managers were regularly trained in these procedures.
- 3.** Resources were made available to support Employees making allegations of harassment.
- 4.** All staff were aware of what unacceptable conduct was, and the consequences of acting in this manner.

Because of this the Court dismissed the Employer from the claim.

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To be able to use this defence Employers need to demonstrate that:

1. They have up to date policies and procedures that;
  - Explain what harassment is.
  - Set out how the Employer will respond to complaints of harassment.
  - State who to report allegations to.
  - Describe what action will be taken against those responsible.
2. Ensure that all staff are engaged and consulted in the production of these policies and procedures.
3. Ensure all staff receive training and updates on an annual basis regarding the implementation of these policies and procedures.
4. Ensure managers are regularly trained in responding to allegations of harassment and supporting Employees who make such complaints.
5. Have clear, simple and accessible Grievance and Disciplinary Procedures to respond to allegations.

In the case of Leeds City Employer, they had resources which many smaller Employers don't have, such as Employee Support Programmes and professional counselling. However, that doesn't exclude smaller Employers from using a Reasonable Steps defence. The key is to take steps that are appropriate to the size and resource capability of the organisation.

**PROFILE**

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