



**NEW DEAL
FOR TEACHERS**

POLITICAL BRIEFING

**Briefing for MPs
on the Employment
Rights Bill 2024**

Introduction

NASUWT – The Teachers' Union welcomes the Government's unveiling of the Employment Rights Bill as a positive step toward fulfilling the promise to enhance workers' rights and improve conditions in workplaces across the country.

We applaud the new government on beginning to deliver on its promise to boost workers' rights and create the conditions where all workers are treated with respect and dignity at work. This legislation should help achieve fairness, security, and a stronger voice for working people. As a result, NASUWT will continue to share its view and that of its members throughout the Parliamentary process before the enactment of the Bill.

This briefing outlines NASUWT's support for key aspects of the Bill, while highlighting areas where the legislation would benefit from additional measures to ensure effective protection for all workers, including teachers and agency staff workers (such as supply teachers).

General Comments

NASUWT views this Bill as a long-overdue reform package that should create greater fairness and security for workers across various sectors, including education. However, while we welcome the Government's intent, legislative change must be accompanied by robust enforcement mechanisms, including through a fully resourced Fair Work Agency.

Specific Comments

Zero-Hours Contracts and Exclusivity Clauses (Clauses 1-6)

The Bill seeks to end 'one-sided flexibility' by introducing the right to guaranteed hours for zero-hours workers and those on minimum hours contracts, which reflect the hours regularly worked over a 12-week reference period.

Whilst NASUWT supports the intention of these measures, we are concerned that in its current format, the legislation (as drafted) may exclude supply teachers as agency workers, who are subject to insecure, intermittent and precarious employment through employment agencies. All workers should be protected from exploitation and we would, therefore, seek assurances during the passage of the Bill that this will be the case and that:

- agency workers (including supply teachers) are not excluded from the new rights and protections; and
- appropriate measures will be in place to coincide with the passage of the Bill which will safeguard agency workers and prevent unscrupulous employers from gaming the system.

NASUWT believes there is merit in considering amending the existing Agency Workers Regulations, specifically Regulation 5, which provides for the right to the same 'basic' conditions of pay as if directly employed after 12 weeks. Not only is the arbitrary timeframe of 12 weeks contrary to the spirit and intent of the Directive, if this were amended to enable access to a day-one right to equal pay for all agency workers, it would make a significant impact in ending exploitative zero-hours contracts and all exploitative employment contracts.

Flexible Working Rights (Clause 7)

The Bill expands the right to request flexible working from day one of employment.

The plans to enhance family-friendly rights to provide more flexibility and security for working families are welcomed, as this will likely benefit many teachers who need to balance professional responsibilities with caregiving duties.

The current provision allows employers to refuse flexible working requests based on any one of eight business reasons, such as 'detrimental impact on quality'. These are often extremely subjective and open to interpretation. Indeed, in the teaching profession, the evidence highlights there are serious barriers to access to flexible working for teachers, often linked to spurious business/service delivery reasons. Whilst we support the Government's commitment to improve access to flexible working in order to boost recruitment, retention and productivity within the education sector, NASUWT advocates that further consideration be given to additional measures to strengthen the right to flexible working, as well as the right to request it.

Statutory Sick Pay (Clause 8)

NASUWT welcomes the move to ensure that Statutory Sick Pay (SSP) is paid from day one of sickness, coupled with the removal of the lower earnings threshold, particularly as evidence suggests this has a detrimental impact on agency workers (such as supply teachers).

Parental, Paternity and Bereavement Leave (Clauses 11-14)

The Bill removes the qualifying period for parental leave and introduces new rights for bereavement leave and enhanced paternity leave, ensuring that workers can take the necessary time off without fear of losing their job or facing financial hardship. NASUWT has long advocated for more family-friendly policies in education, and this provision marks a step forward in supporting teachers who are parents or caregivers.

While these rights are crucial, the Union would seek a commitment from the Government that the legislation will be accompanied by clear guidance developed in consultation with trade unions, to ensure that all workers are aware of their rights and that employers are better positioned to comply fully with these provisions.

Further, we believe the Bill would be strengthened by including provisions confirming that these rights will be meaningful in practice, ensuring that workers accessing these rights will do so on a no-detriment basis.

Tackling Workplace Discrimination (Clauses 15-18)

These new measures in the Bill aim to prevent workplace harassment and discrimination, particularly related to sexual harassment and third-party harassment. NASUWT believes that these reforms will help create a safer and more inclusive environment in schools and colleges.

These provisions should be seen in the context of the parallel commitments to build on gender pay gap reporting by introducing disability and ethnicity pay gap reporting for large employers. The Government's commitment to extend the scope of equalities pay gap reporting is welcomed. However, we would urge that the timetable for bringing forward the Equality (Race and Disability) Bill now needs to be confirmed speedily, to ensure that the extension of rights of protection will apply to all workers, regardless of background or protected characteristic.

NASUWT is supportive of measures to introduce pay gap reporting for action plans and supporting employees through the menopause, particularly given the experiences of members working in education. We believe that the scope of these measures should extend to include all workers, including agency workers (such as supply teachers).

NASUWT believes that the Bill would benefit from the inclusion of additional measures to promote good practice and to deter bad employment practice, including mandatory reporting on workplace harassment cases and strong penalties for non-compliance.

We would also want the Government to confirm its commitment to investment in information, education and training to equip employers to meet their statutory responsibilities fully in this area.

Protection Against Unfair Dismissal and Discrimination (Clauses 19-22)

The Bill strengthens protections against unfair dismissal, particularly for workers who are pregnant, returning from family leave, or refusing contract variations imposed by their employer. NASUWT supports these reforms, as they align with the Union's call for a secure employment rights framework that protects all workers, including supply teachers as agency workers, from discrimination and unfair dismissal.

Procedure for Handling Redundancies (Clauses 23-24)

These clauses expand collective redundancy consultation requirements to cover broader categories of workers.

NASUWT advocates that a comprehensive framework is needed to ensure there is full and genuine consultation and negotiation with trade unions in all cases of collective redundancy, together with robust equality impact assessment and reporting.

Public Sector Outsourcing (Clauses 25-27)

This section provides protections for workers affected by public sector outsourcing, ensuring that their employment rights are preserved when their work is transferred to private contractors. This includes obligations for equality action plans and reporting on outsourced workers.

Outsourcing in education, in the guise of supply teachers employed via employment agencies, is based on a business model of high cost to schools, low pay to teachers, and high profit margins for the agencies. This is not a good use of public money and undermines the Government's ambition to improve opportunity and outcomes for all children and young people.

Research by the Department for Education (DfE) has identified that schools and teachers would welcome greater regulation of agencies to address costs and inequalities within the system.

NASUWT believes that public sector procurement contracts should be underpinned by guarantees of worker protection, including the right to fair pay and conditions that apply to all workers, including supply teachers as agency workers.

Pay and Conditions of School Support Staff and Adult Social Care Workers (Clauses 28-44)

These clauses establish frameworks for negotiating pay and conditions for school support staff in England and adult social care workers.

The Union supports the creation of a national negotiating body to deliver improvements to the pay, working conditions and career structures of school support staff.

Trade Unions and Industrial Action (Clauses 45-69)

The Bill expands rights for trade unions, including the right to access workplaces, updated conditions for union recognition, protections against blacklisting, and provisions for electronic balloting.

Whilst NASUWT welcomes these provisions, the Union believes that further measures are needed to ensure the repeal of the anti-trade union measures in the Trade Union Act 2016, including scrapping the arbitrary six-month time limit on statutory ballot mandates.

Enforcement and Labour Market Legislation (Clauses 70-119)

These clauses cover enforcement of labour market legislation, including new powers for Labour Market Enforcement Authorities to investigate non-compliance, obtain documents, and inspect business premises.

NASUWT supports stronger enforcement mechanisms.

Conclusion

NASUWT supports the Employment Rights Bill 2024 as an important step towards achieving fairness, security, and dignity for workers. This legislation should help achieve fairness, security, and a stronger voice for working people.

We are committed to working with Parliamentarians to ensure that the stronger framework of rights promised by the Government is robust and delivered fully in practice.

For further information, please contact:

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About Us

NASUWT is The Teachers' Union and is the voice of the teaching profession.

Our aim is to improve and protect the status, morale and working conditions of the teaching profession so that teachers and headteachers can provide the best education and support to children and young people.

We are committed to ensuring that teachers and headteachers are recognised and rewarded as highly skilled professionals with working conditions that enable them to focus on their core role of leading teaching and learning.

NASUWT is proud to be led by teachers for teachers. Our democratic structures ensure that we are the voice of the profession and our decisions are rooted in the concerns of our members.

Our members are teachers and headteachers working in schools, early years settings and post-16 colleges.

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