

Employment Law Conference 2026

Sandy Park Conference Centre, Exeter & Virtual

18 November 2026

welcome

Introduction
Agenda

09:00 | Welcome from James Baker

09:10 | **Changes to Unfair Dismissal**; Jo Mackie

09:40 | **Workplace Challenges in Practice**; Rachael Lloyd & Henry Cross

10:20 | Coffee Break (15 mins)

10:35 | **Immigration in Practice**; Lynsey Blyth, Madni Chaudhary & Nicole Hambleton

11:25 | Coffee Break (15 mins)

11:40 | **Employment Law Round-Up**; James Baker

12:40 | Q&A

13:00 | Buffet Lunch & Networking

Changes to unfair dismissal

Not such a happy new year for employers



Jo Mackie
Partner



michelmores

Key changes to unfair dismissal

From 1 January 2027

1

Unfair dismissal becomes an acquired right at 6 months.

2

The 6-month period is retrospective. Anyone continuously employed on or before 1 July 2026 will gain protection.

3

The statutory cap on compensation for unfair dismissal at Employment Tribunal will be removed.

Fire and re-hire



*AI-Generated Image

michelmores

Unfair dismissal in a nutshell

4 key takeaways

1. The qualifying period reduces to six months from 1 January 2027, with retrospective effect.
2. A new strategy gap appears.
3. Robust recruitment checks and probation processes will be more important than ever.
4. Document probation meetings and performance concerns carefully before considering dismissal.

thankyou

Workplace challenges

In practice

AI, people processes, investigations and paper trails



Rachael Lloyd
Partner



Henry Cross
Senior Associate

Part 1: AI in the Employment Lifecycle

Use

Risks

Case Examples

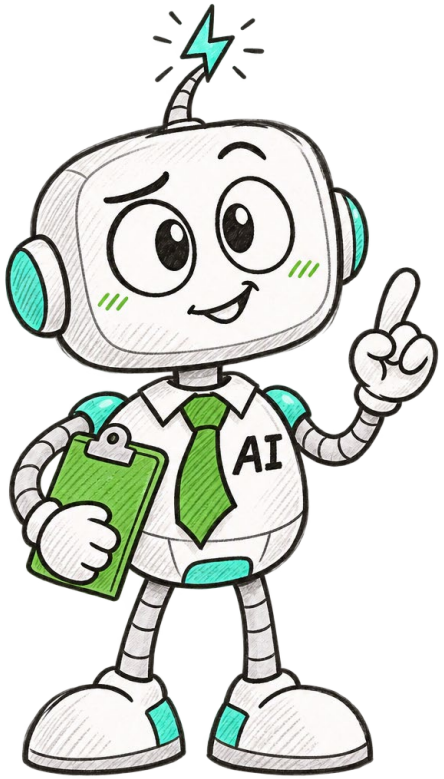
Part 2: Effective Management Decision Making

Why decision making matters

Investigations

Evidence

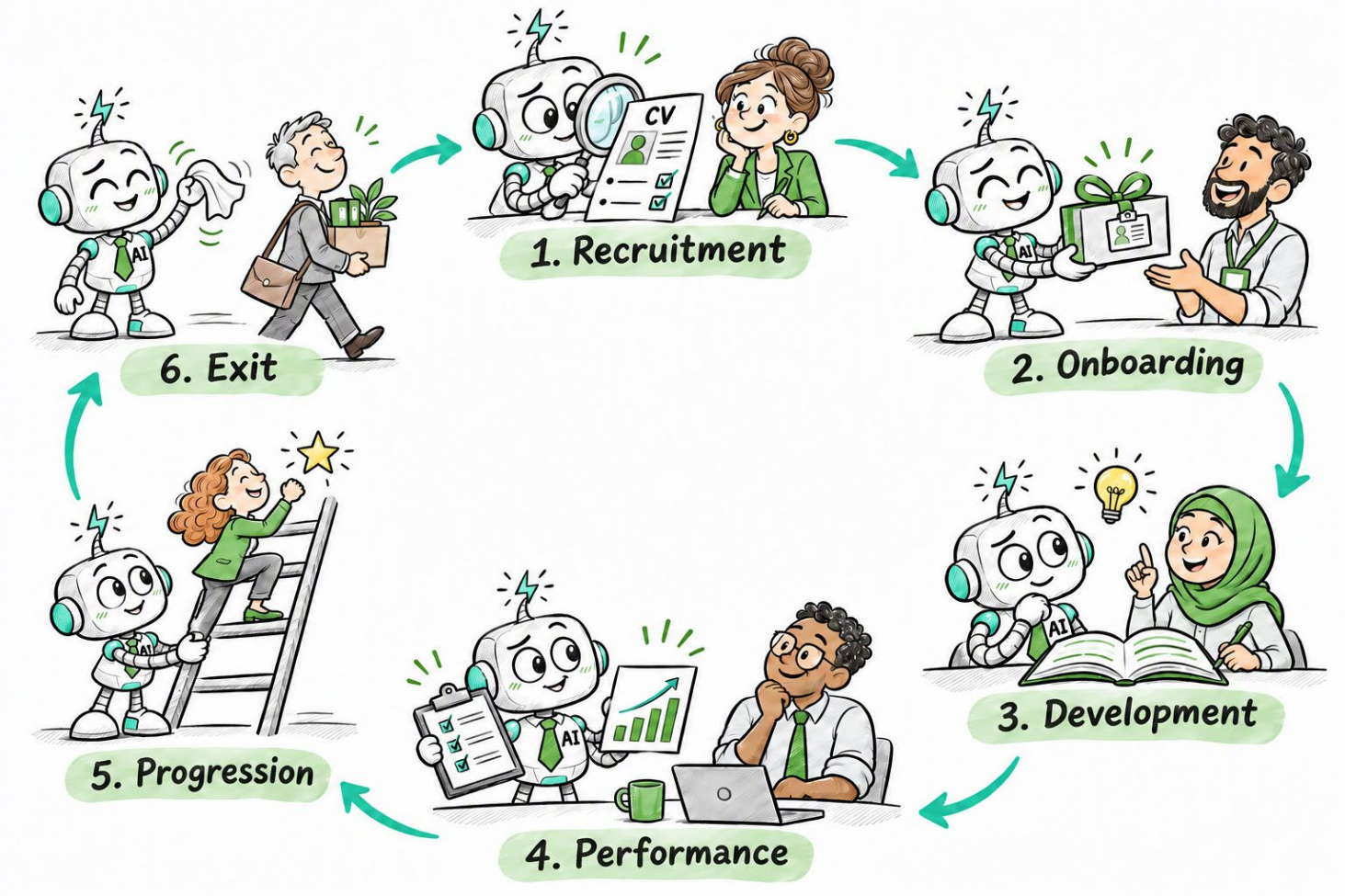
Audit Trails



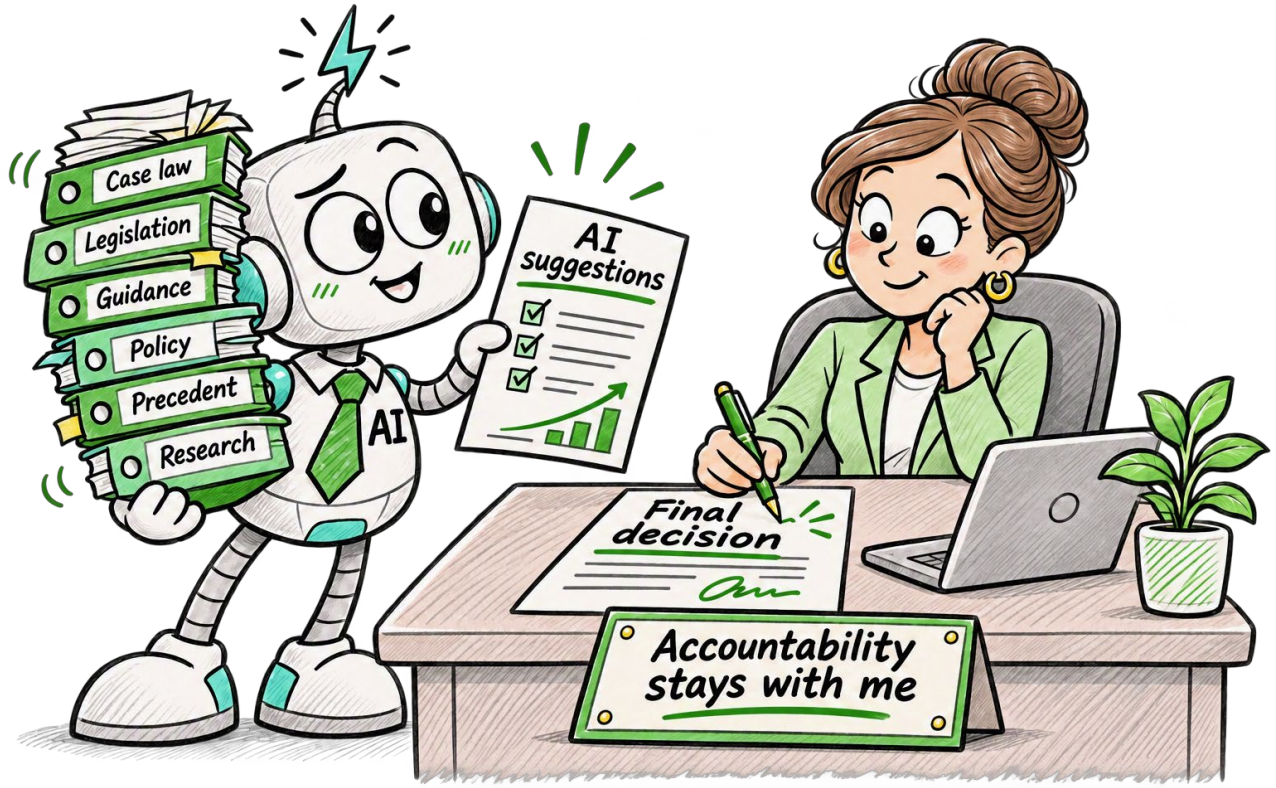
michelmores

Part 1: AI in the Employment Lifecycle

- Use
- Risks
- Case Examples

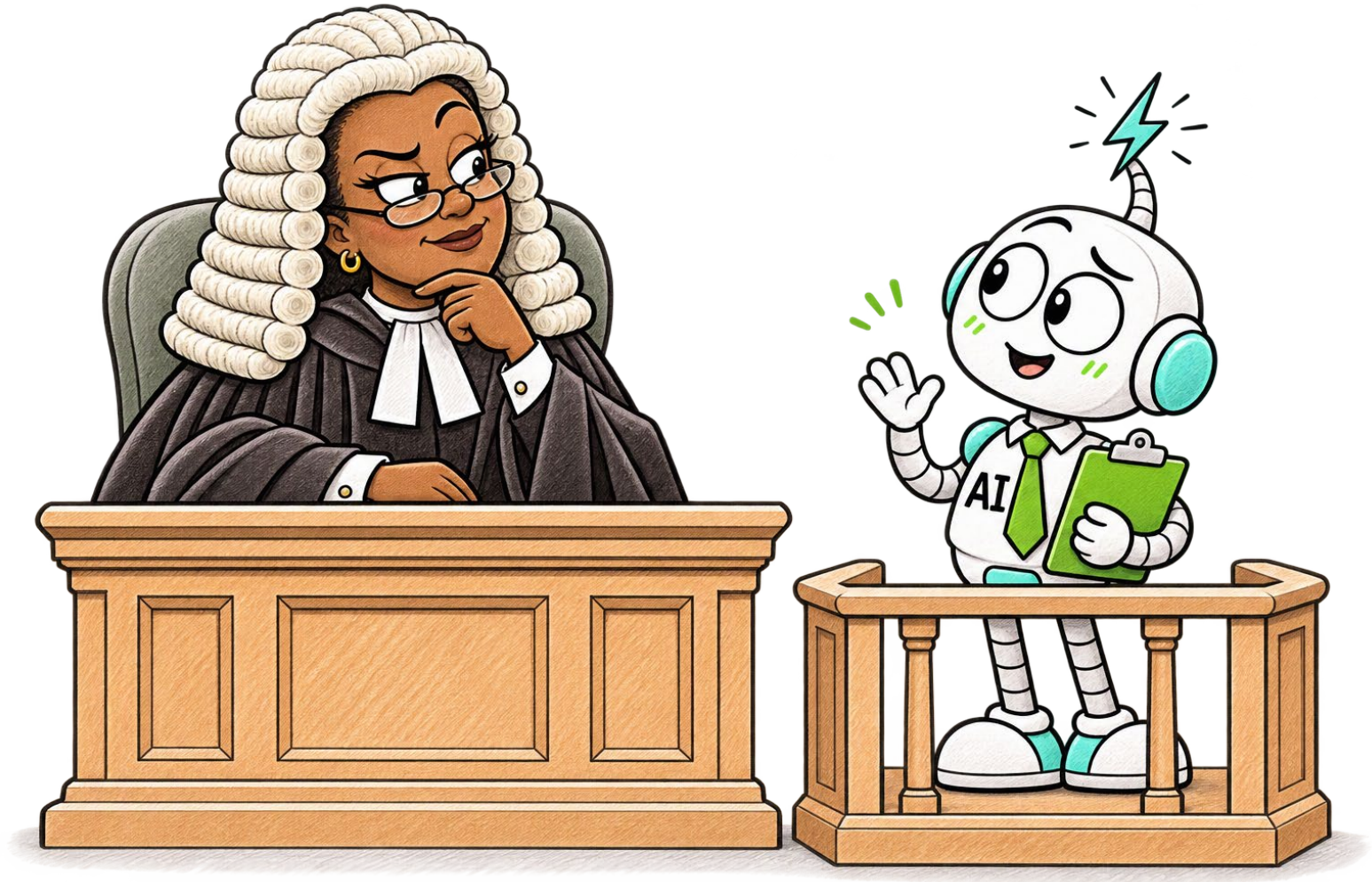


michelmores

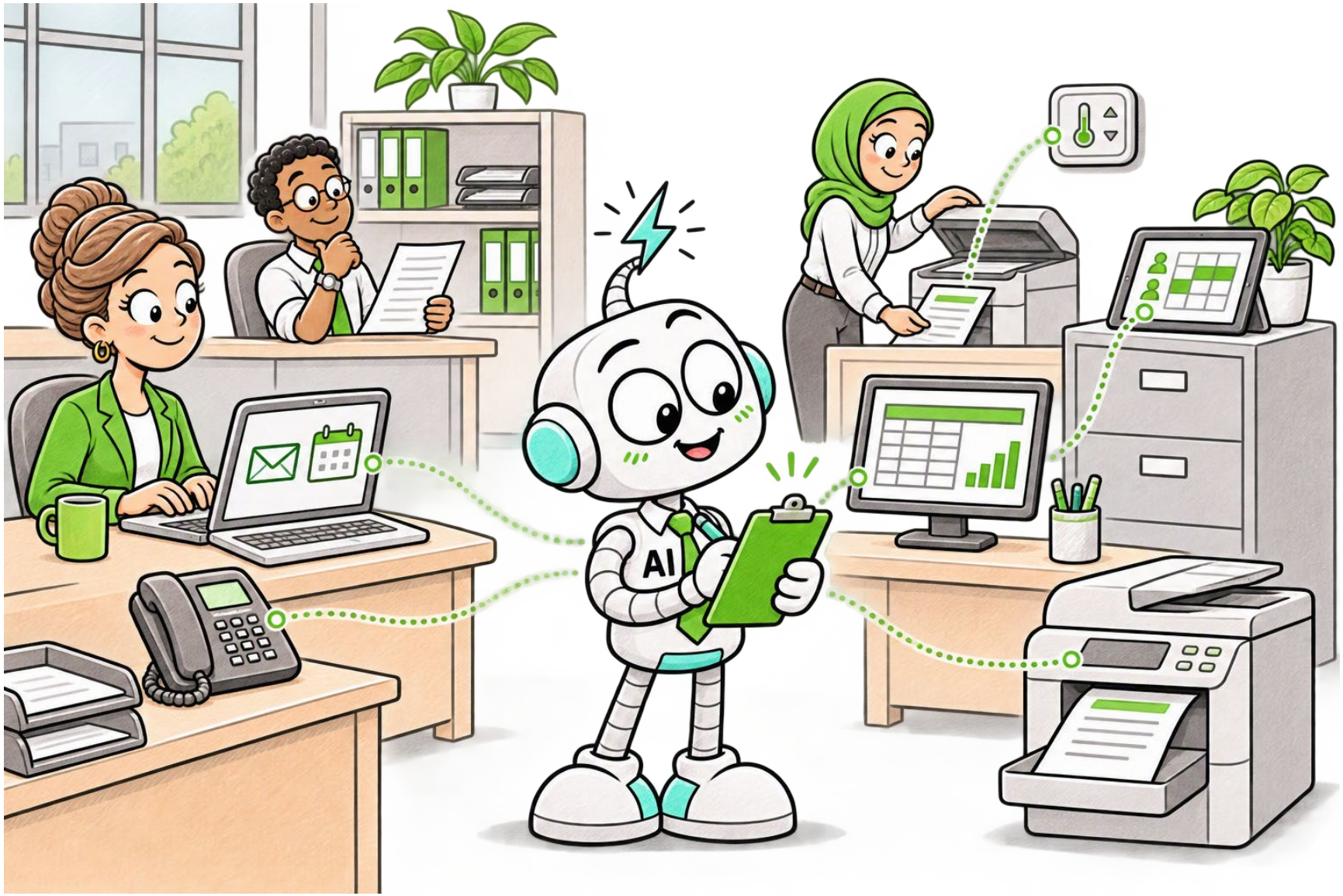


The Accountability Gap

michelmores



michelmores



michelmores

Where AI Enters the Employment Lifecycle

Practical Examples

Use	Risk questions
Drafting a first version of a generic policy FAQ	Accuracy, tone, ownership
Summarising an investigation meeting	Completeness, context, speaker attribution, sensitive data
Screening CVs or ranking candidates	Bias, indirect discrimination, explainability, data quality
Scoring performance or selecting redundancies	Material legal effect, discriminatory proxy factors, over-reliance
Monitoring communications or productivity	Transparency, proportionality, special category data

Where AI Enters the Employment Lifecycle

The Attendance Risk Score

A system flags employees with a high predicted absence risk. A manager uses the flag to decide who will receive fewer development opportunities. The model does not contain a field labelled 'disability', but its inputs include historic absence, working pattern and location.

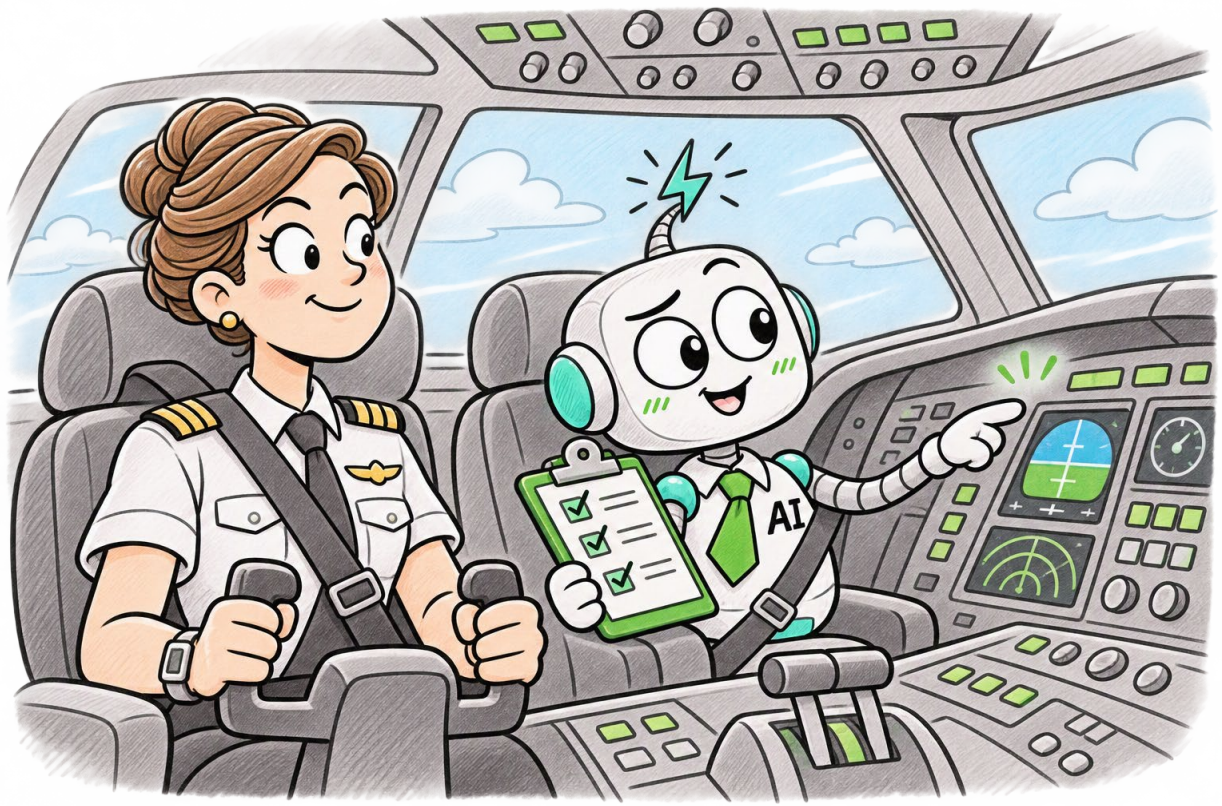
Consider:

- Purpose
- Data
- Accuracy
- Human role
- Transparency
- Legal consequence

Where AI Enters the Employment Lifecycle

Assistance and Decision-Making Risk

- **AI can improve productivity.**
- Recommended uses include assisting with organising information; preparing first drafts; and identifying themes.
- **However, the legal risk rises sharply where outputs are relied on for decision making.**
- This can lead to discrimination claims, including where a tool treats a protected characteristic as a negative factor.



AI-Generated Workplace Documents

Employee AI Use in Grievances and Disciplinaries

1. Employees may use AI to draft a grievance, disciplinary response or appeal.

2. AI can increase volume, apply legal labels without supporting facts, omit important context or produce confident but inaccurate conclusions.

3. When reviewing AI submissions, employers should focus on the underlying case.

AI-Generated Workplace Documents

Practical Exercise

Example: The organisation's conduct demonstrates **systemic victimisation**, **breach of trust and confidence**, **unlawful profiling** and procedural bad faith. CoPilot has **objectively confirmed** that the correspondence proves a **coordinated strategy** to force me out.

1. **'Systemic victimisation'** is a label. Ask which protected act is relied upon, who knew about it, what detriment followed and when.

2. **'Breach of trust and confidence'** is a conclusion. Ask which acts or omissions are said to form the breach.

3. **'Unlawful profiling'** requires detail about what system, data, inference and decision are alleged.

4. **'Coordinated strategy'** requires facts, communications, decision makers and chronology.

5. The AI's **'confirmation'** adds no independent evidential weight unless the underlying material and reasoning can be examined.

FAO Mr Rob Bot
404 Algorithm Avenue
Reasonable Decisions Business Park
AI 4U

Date: 18 November 2026

Dear *Mr Bot,*

Thank you for your grievance.
We will consider the concerns you have raised fairly and without prejudging the outcome.

To help us identify and investigate the material issues, please provide a concise schedule setting out:

- Each act or omission complained of;
- When it occurred;
- The person or people involved;
- The documents and witnesses relied upon;
- The outcome you seek.

You state that part of the document contains an AI-generated assessment based on materials supplied to Copilot.

In relation to any AI-generated passage on which you rely, please provide the prompt used, identify the documents or information supplied, confirm whether the output was edited, and identify the factual propositions you say the organisation should investigate.

These requests are intended to clarify the grievance and will not prevent us from considering the underlying concerns.

Yours sincerely,

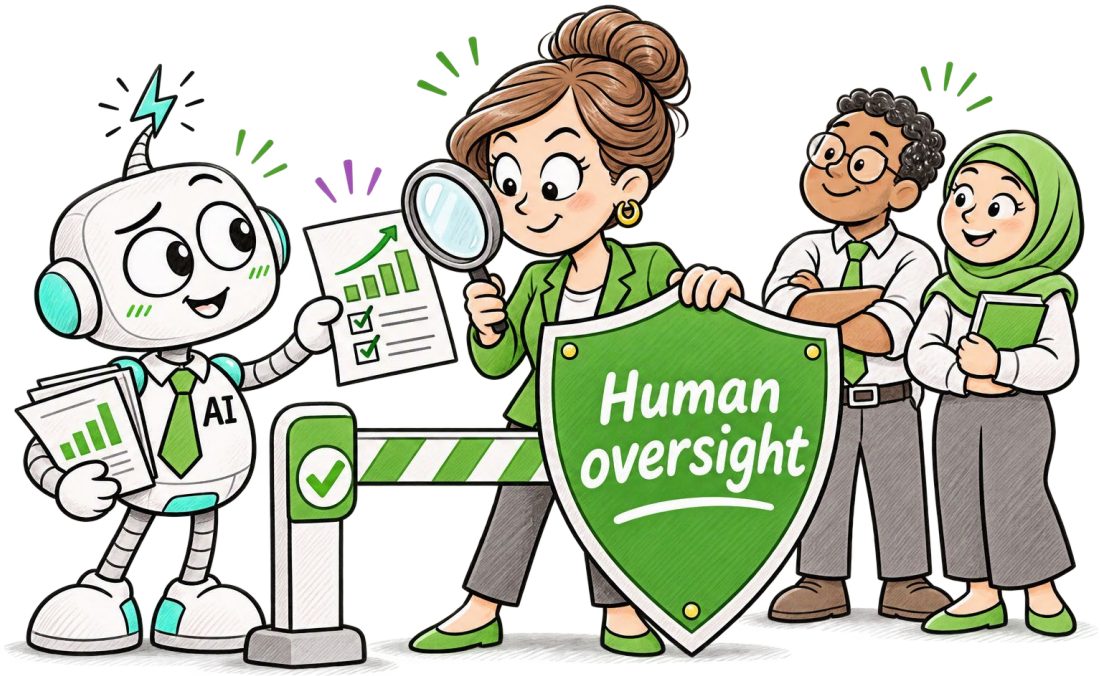
A. Human-Being

A. Human-Being

AI-Generated Workplace Documents

Investigation Safeguards

- Do not assume that AI use makes the grievance dishonest or vexatious.
- Do not upload the grievance or evidence to an unapproved public tool.
- Separate factual allegations, legal labels, commentary and requested outcomes.
- Preserve the original submission and any later clarified schedule.
- Give a reasonable opportunity to explain inconsistencies or inaccuracies.
- Record why any issue is investigated, combined, narrowed or treated as outside scope.
- Use AI summaries only as navigation aids and verify every material point against primary evidence.



michelmores

All litigants and their representatives, including litigants without representation, should be mindful of the risks posed by the use of generative AI when creating documents for submission to the EAT.

Judge Pilgerstorfer

Paragraph 4

Recent Examples of AI in the Tribunal

Case Example 1: Hancox v Sutherland & Ors [2026] EAT 139

- The Appellant filed a 300-page skeleton generated by ChatGPT, giving the Respondents just one day to identify any inaccuracies.
- In arriving at its assessment of the Appellant's conduct, the EAT provided some useful general guidance:
  - LiPs who use AI should ensure, as a minimum, that documents they submit:
    - comply with applicable procedural rules;
    - have been checked as thoroughly as the LiP is reasonably able for accuracy; and
    - contain only relevant points.
  - Submitting AI generated material to a court or tribunal and simply expecting opponents to check it for accuracy is not an acceptable approach.

Recent Examples of AI in the Tribunal

Case Example 2: Anonymised

We are seeing Judges take a ‘harder-line’ on the inappropriate use of AI in the Tribunal

Michelmores LLP

- The Claimants used AI to generate a 53-page amendment application.
- The Tribunal said the precise amendment was difficult to discern; relevant details were dispersed through the document; and much of the annexed material was evidence or argument rather than material necessary to formulate the amendment.
- The Judge imposed forward looking requirements for documents generated wholly or partly using AI.
- The Order warned that fabricated cases, unsupported propositions, untrue facts or arguments the party could not explain could engage strikeout and costs provisions.

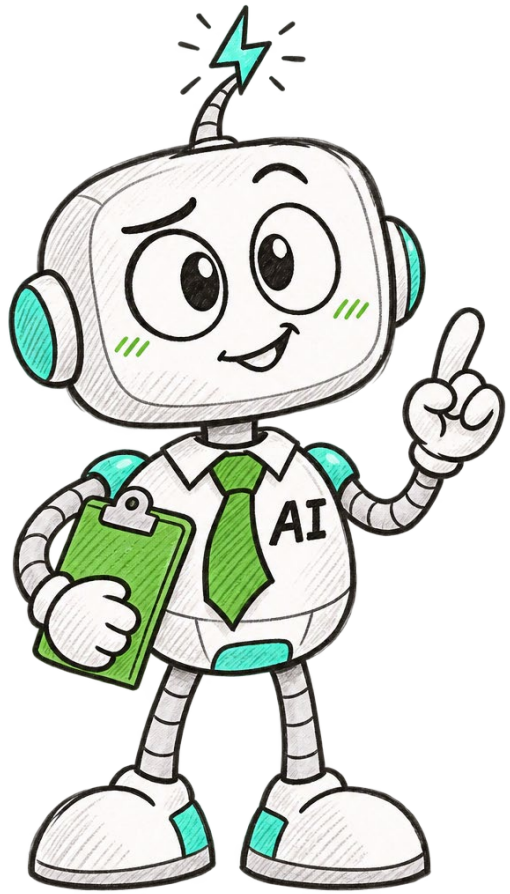
Summary: AI in the Employment Lifecyle

Key Takeaways

AI can support a more effective employment processes

However, it also brings risks

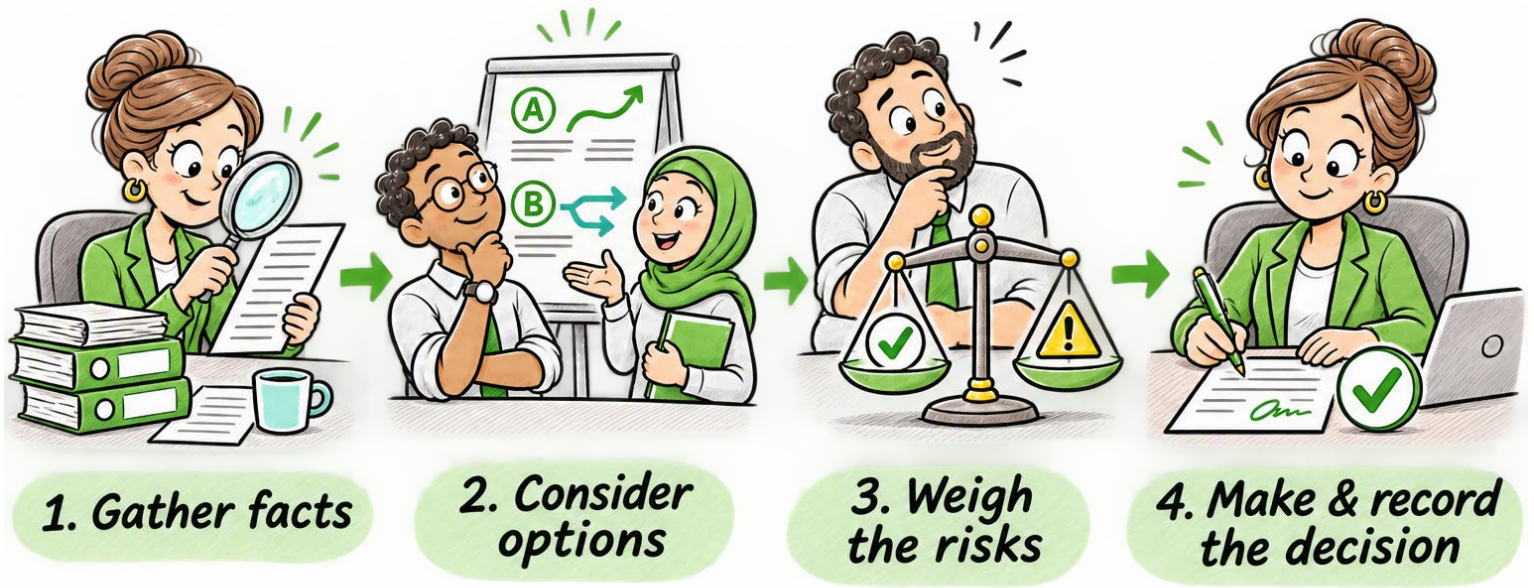
Accountability: It is important to retain human oversight



michelmores

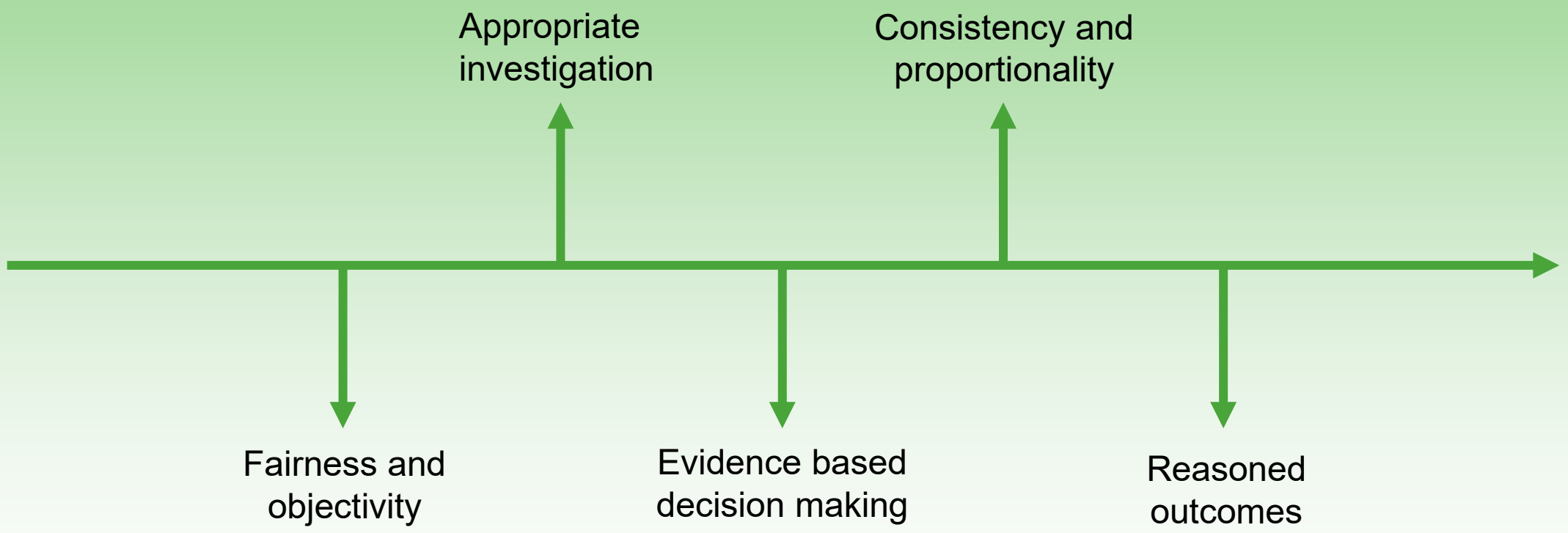
Part 2: Effective Management Decision Making

- **Why decision making matters**
- **Investigations**
- **Evidence**
- **Audit Trails**



michelmores

Core Principles of Effective Workplace Processes



michelmores

Audit Trails and Documentation

Key Points to Note



- A good audit trail is not about writing down every thought or creating documents for their own sake.
- It is a **reliable record of the material steps and reasons.**
- The record should allow another person to see:
  - the case that had to be decided
  - the evidence available at the time
  - the important conflicts or gaps
  - the decision maker's assessment and why the chosen outcome was proportionate.

michelmores

Managing Grievances and Investigations

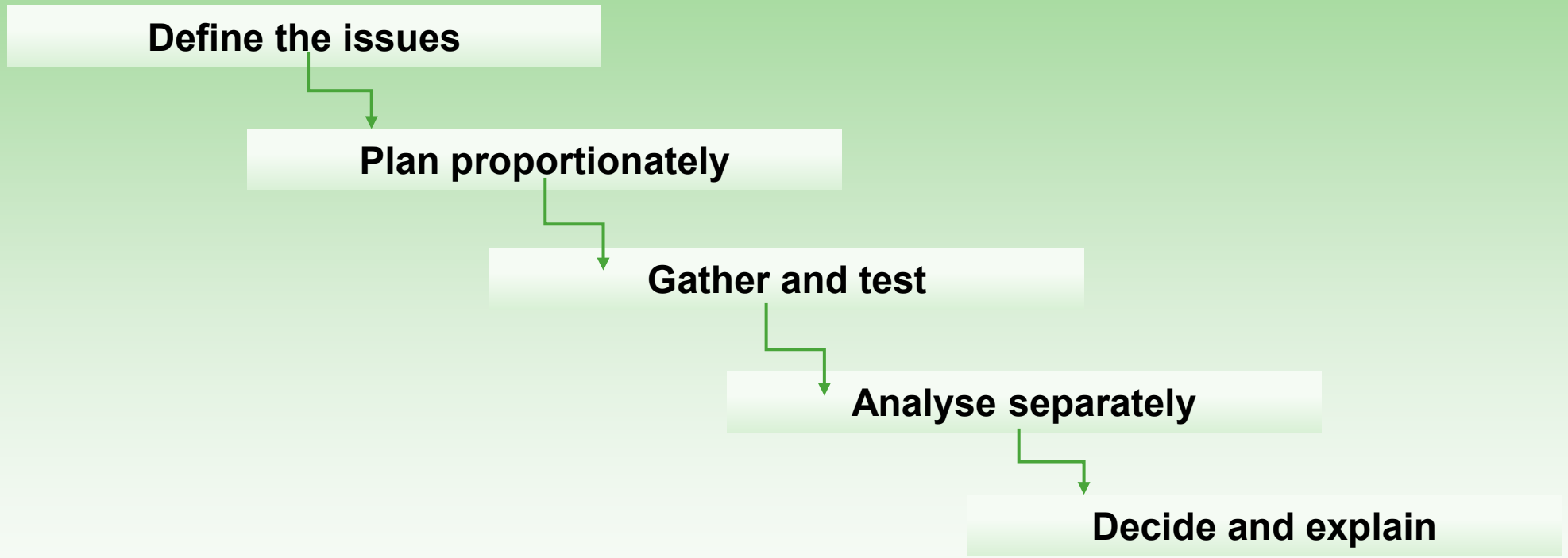
Common Pitfalls

- Unclear scope
- Losing sight of the facts
- Confirmation bias
- Failing to separate investigation and decision making
- Ignoring adverse evidence
- Applying inconsistent standard of proof
- Incomplete conclusions



Managing Grievances and Investigations

Practical Manager Sequence



michelmores

Looking Ahead

Basics

Legal reform can change rights, procedures and exposure, but the operational response begins with the same basics.

Review

Review developments under the Employment Rights Act 2025 and any related commencement regulations against the organisation's policies and manager guidance.

Monitor

Monitor the current position on the ACAS Code and associated guidance

Update

Update AI governance alongside employment processes.

Summary
Closing thoughts

Effective management decision making depends less on the length or formality of the final letter than on the quality of the process that produced it.

Where AI is used as an administrative aid, it should be approved, transparent and checked against source material.

Judgment, fairness and accountability must remain with the human decision maker.



michelmores

thankyou

Immigration

In practice

A sponsorship journey from recruitment to departure



Lynsey Blyth
Partner



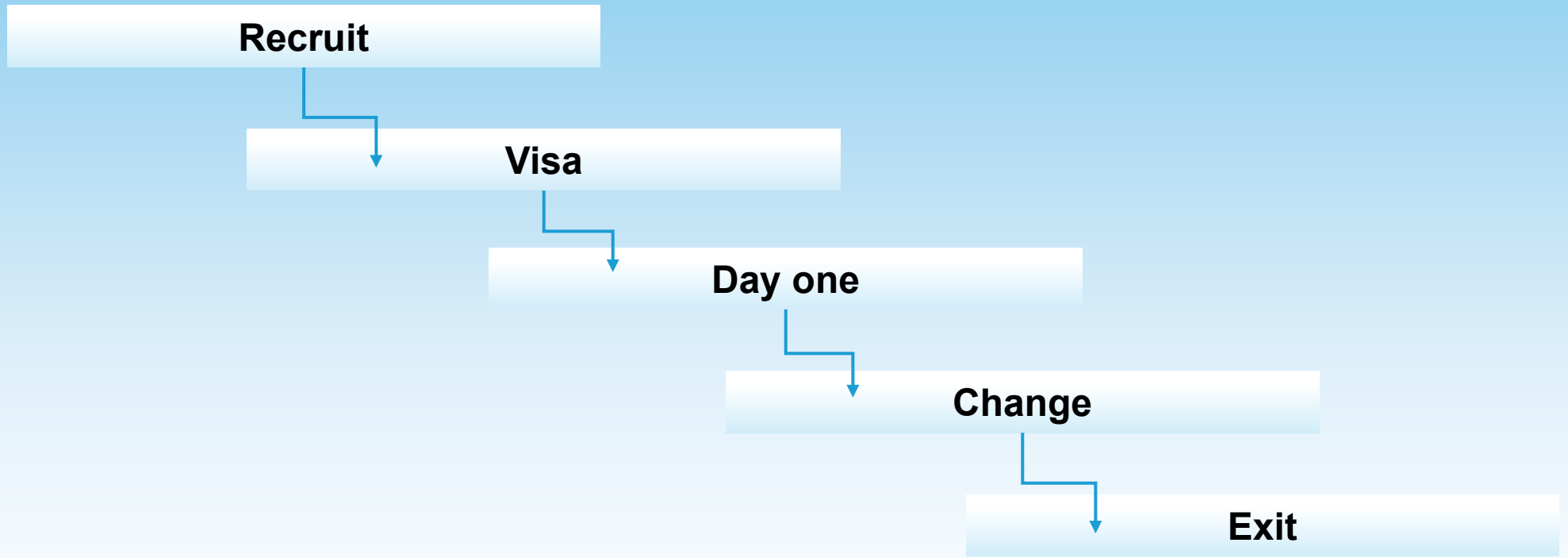
Madni Chaudhary
Managing Associate



Nicole Hambleton
Associate

Immigration in Practice

A sponsorship journey from recruitment to departure



michelmores

Meet the cast

Three people, one hire

BRIGHTWELL HR

Lynsey

Head of People at Brightwell & Co, a 250-person consultancy with a sponsor licence it last used in 2022.

THE CANDIDATE / EMPLOYEE

Nicole

Recent UK master's graduate, working on a Graduate visa that expires on 31 January 2027.

UKVI / THE HOME OFFICE

Madni

Also our narrator. When he shouts "Freeze", he steps out of role to explain the law.







michelmores

How this works

Watch for the **Freeze**

“Freeze!”

The action stops. Madni steps out of role and explains what the law requires.



Four polls

Quick questions along the way. Hands up, or vote at:

Current at 18 November 2026

Rules and fees change often. Check before you rely on any figure.

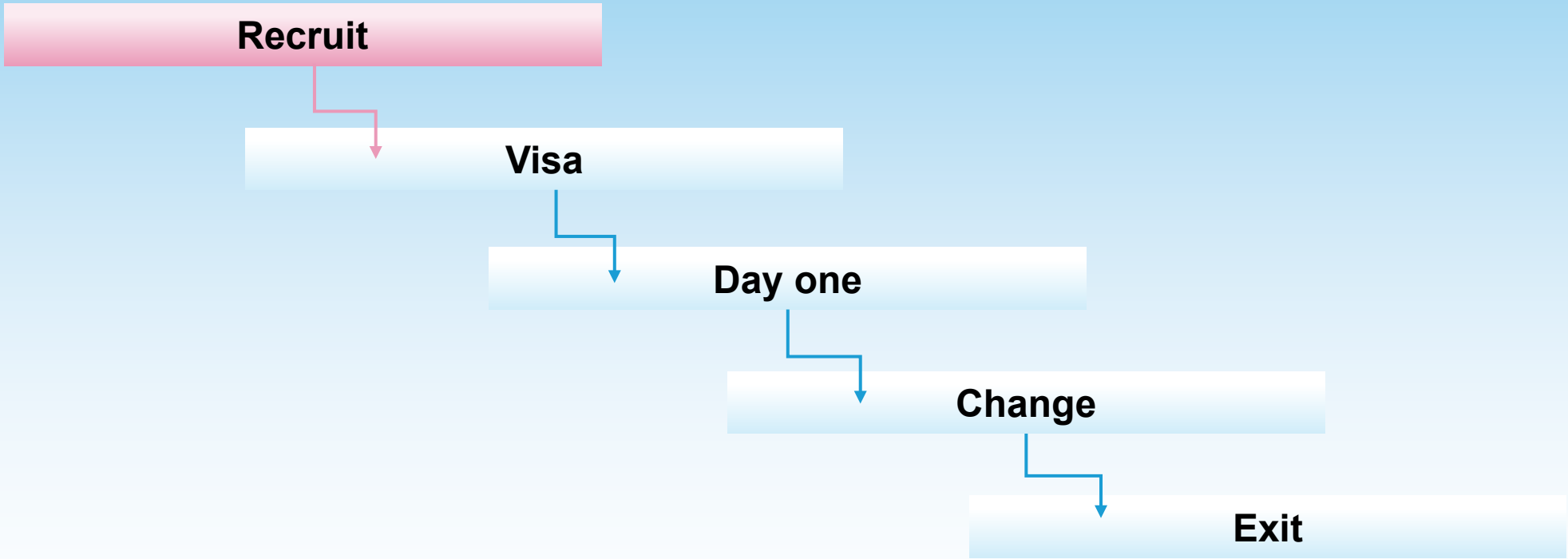


michelmores

Early October 2026

Recruitment

"Oh, by the way… I'll need sponsorship."



michelmores

Three issues

Freeze – Scene 1

1 The contract

An accepted, unconditional offer is a binding contract. Withdrawing it risks a claim for notice pay.



2 Discrimination

Nationality is part of race under the Equality Act. A “we don’t sponsor” stance needs objective justification. No qualifying period applies.



3 No problem today

A Graduate visa allows any work, for any employer, until it expires. The real question: can we sponsor her before 31 January?



michelmores

Test feasibility the same way for everyone

Freeze – Scene 1

- **Do we have a sponsor licence that actually works?**
- **Is the role eligible on skill level and salary?**
- **What will it cost, and how long will it take?**
- **If the answer is no, is there a documented objective reason?**

Next Time

Ask every candidate, at application stage, whether they have the right to work in the UK and whether they will need sponsorship.

Same question, same stage, everyone.

Brightwell's licence: still live, not ready

The Home Office Desk

Good news

No renewal needed: since April 2024 licences have been extended automatically.
Still A-rated.

Tip: diarise a monthly Sponsor Management System (SMS) log-in, keep key personnel current, and top up your allocation before you need it.



Red Flag

The Authorising Officer left in March. Key personnel changes must be reported within 20 working days.

No certificates left to assign. An allocation must be requested and justified.

Nobody has logged in for years.

michelmores

What it takes to hold a sponsor licence

The Home Office Desk

Genuine organisation

Operating UK business, with genuine roles that qualify for sponsorship.

Key personnel

Authorising Officer, Key Contact, and Level 1 User.

UK-based, no criminal convictions.

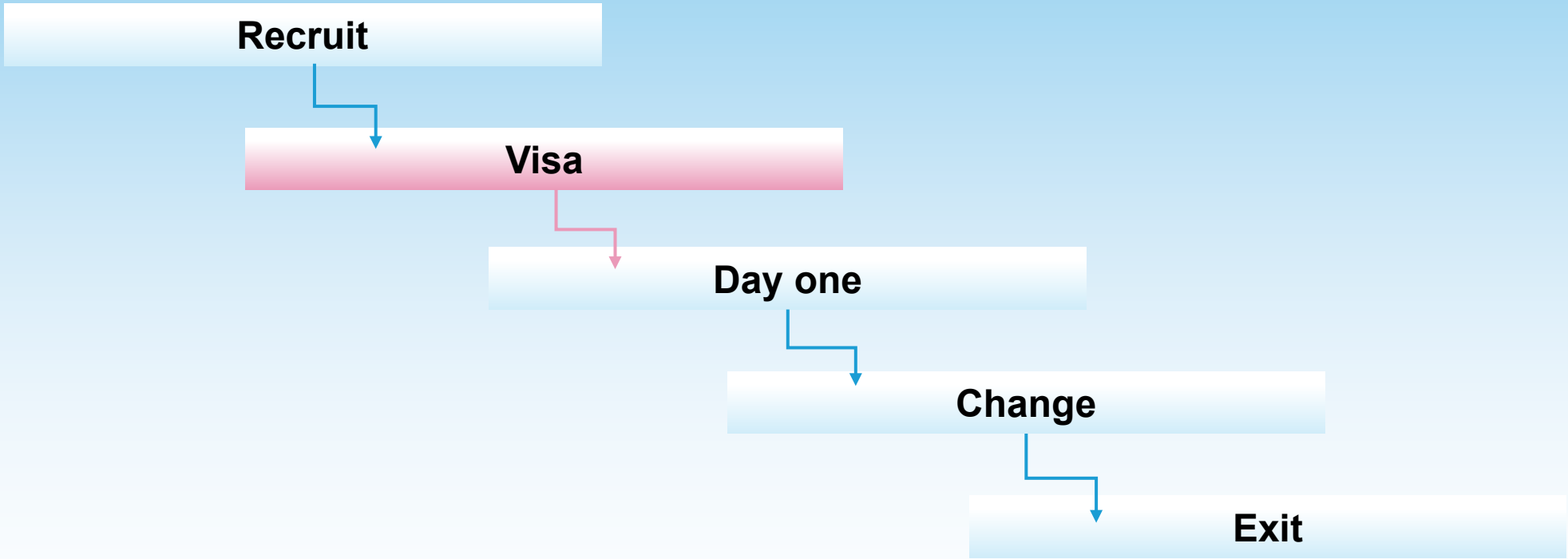
HR systems

Record keeping, right to work checks, monitor sponsored workers and report breaches.

November 2026

Scene 2 - Securing the Visa

“Occupation code? Salary? Close enough.”



michelmores

Test feasibility the same way for everyone

Freeze – Scene 2

BRIGHTWELL'S PICK · WRONG

3544 · Data analysts

RQF 3–5. Only eligible via the interim Temporary Shortage List, which expires on **31 December 2026**.

THE RIGHT CODE

2431 · Business analysts

RQF 6. Matches the duties: workshops, process mapping, writing business requirements. Going rate £50,200.

Since 22 July 2025, new Skilled Worker roles must normally be at **RQF 6**, roughly degree level. The certificate must reflect the real duties, hours, and job.

The salary test, and its catches

Freeze – Scene 2

Route	Minimum for SOC Code 2413	£36,000?
Standard: higher of £41,700 and the going rate	£50,200	Fails
New entrant: higher of £33,400 and 70% of the going rate	£35,140	Passes

The discount runs out

Four years maximum, including Graduate visa time. About two years left.

Pay recovered doesn't count

Costs deducted from salary are ignored for the threshold.

English language at Level B2 in Speaking, Listening, Reading, and Writing

Apply before the Graduate visa expiry, 31 January 2027, to keep working while it is decided

Costs

Freeze – Scene 2

Cost (two-year sponsorship)	Amount
Certificate of Sponsorship	£525
Immigration Skills Charge	£1,320 a year: £2,640
Visa fee (in the UK, up to 3 years)	£943
Immigration Health Surcharge	£1,035 a year: £2,070



Switching straight from a Student visa: no Immigration Skills Charge.
From the Graduate route: it applies.

michelmores

Clawback: never, maybe, and how

Freeze – Scene 2

NEVER, BY ANY MEANS

- Sponsor licence fee and admin costs
- Certificate of sponsorship fee
- Immigration Skills Charge
- Legal fees for the licence or assigning the certificate

MAYBE

- Visa application fee
- Immigration Health Surcharge
- Legal fees for her own visa, only with a genuine choice of adviser, known upfront

HOW

- In writing, agreed before the cost is incurred
- Tapered, e.g. 100% then 50%
- Check wage deduction rules and NMW



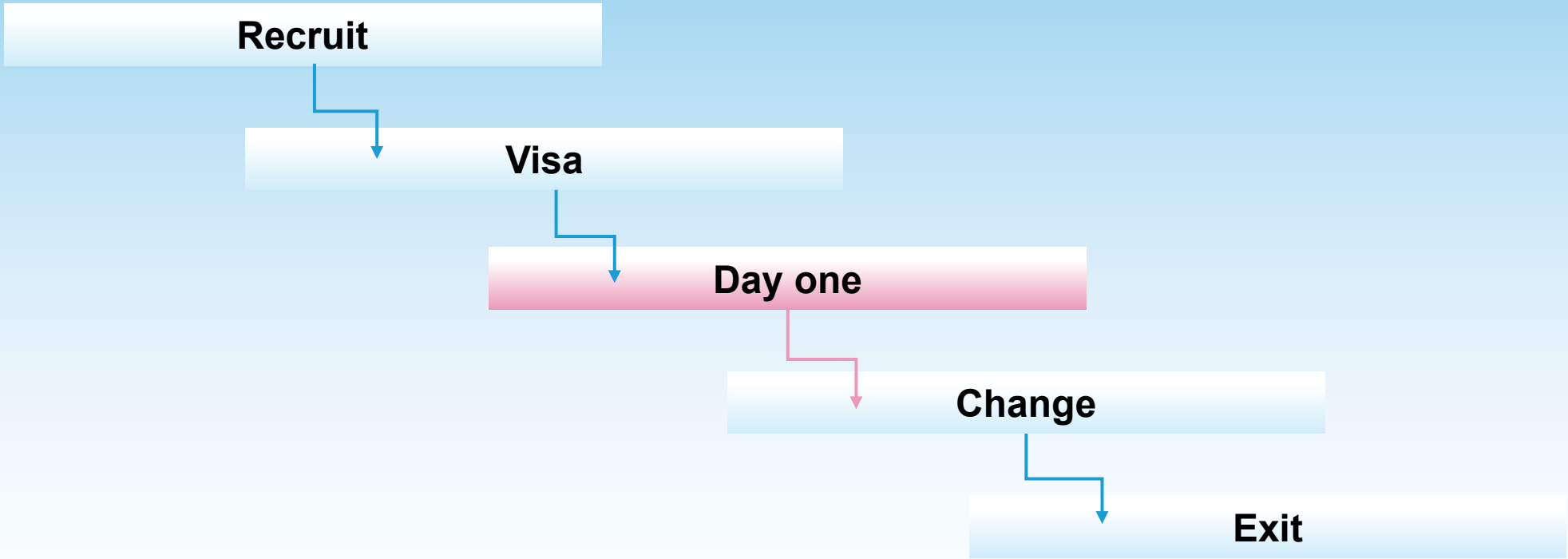
Even trying to recover a “never” cost is grounds for revoking the licence.

michelmores

Monday 2 November 2026

Scene 3 - Day one and beyond

8:55am. Right to Work Check: "Can I just photocopy your passport?"



michelmores

Right to work: online, before starting work

Freeze – Scene 3

1. Get a share code from the worker
2. Check it on the Home Office online service
3. Match the photo to the person in front of you
4. Keep the result, and diarise the follow-up check
5. Visa application pending? Use the Employer Checking Service.

PENALTY PER WORKER

£45,000

first breach

£60,000

repeat breach

michelmores

Monday 11 January 2027

Scene 3 - Day one and beyond

8:55am. Right to Work Check: "Can I just photocopy your passport?"



michelmores

Being a sponsor: the duties never stop

Freeze – Scene 3

Keep records

The Appendix D documents, for every sponsored worker.

Report changes

10 working days for worker changes. **20** for organisation changes.

Pay the CoS salary

In every pay period, not just across the year.

The job is the job

Duties, hours, and location match the Certificate of Sponsorship.

Employment rights · new

Make sure sponsored workers understand them, and show how.

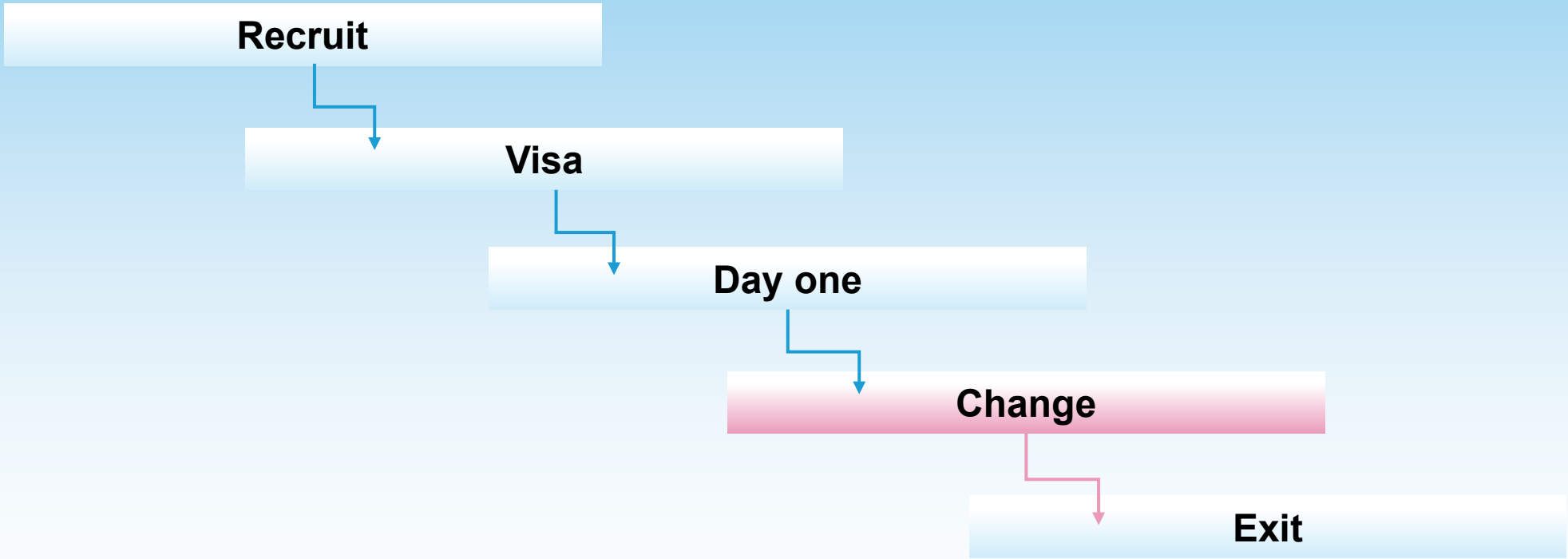
Co-operate

Visits can be unannounced. Digital audits too.

18 months later

Scene 4 – Things change

"A promotion, a four-day week and a new role. From Monday?"



michelmores

Changes during sponsorship

Freeze – Scene 4

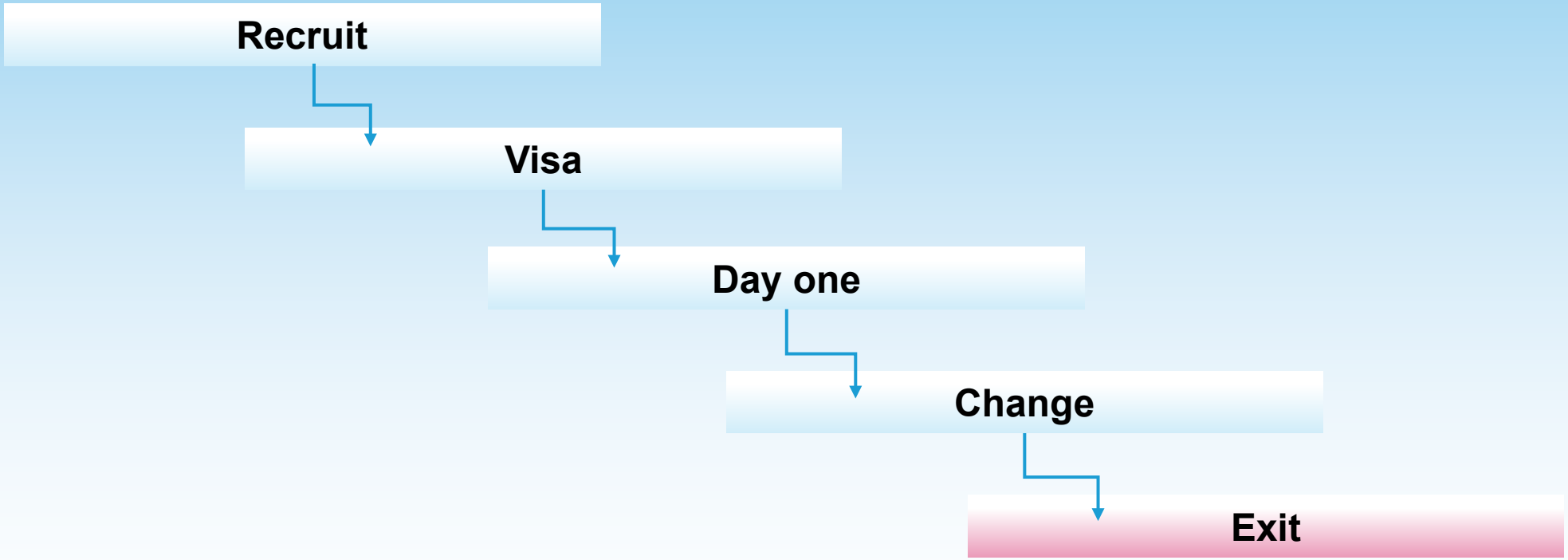
Change	New CoS?	What to do
New role, different code	Yes, first	New certificate and change of employment application before she starts.
Promotion, same code (2431)	No	Record it and report as the guidance requires. The pay rise is fine.
Four-day week	No	The going rate pro-rates; the £33,400 floor doesn't. £35,200 just passes.
New work location	No	Report within 10 working days.
Family or sick leave	No	Reduced pay is permitted. Check long unpaid leave first.

The new entrant clock: when she extends, she needs the full rate for her code, £50,200 today. £44,000 would fail. Plan pay reviews around visa dates.

A few months later

Scene 5 – The exit

"My last day will be in four weeks."



michelmores

Leaving is a sponsor event too

Freeze – Scene 5

- **Report it** within 10 working days of employment ending. The visa permission should **then usually be cut to 60 days**, unless they have moved to a new sponsor.
- The certificate doesn't travel. The **new sponsor assigns its own**.
- Still employed means still sponsored: **pay through notice** and garden leave.
- **Skills Charge**: partial refund possible for unused six-month periods after year one.
- Enforce only the **lawful tapered** clawback.
- **Keep the records**. Don't delete the file.



michelmores

Ten things to take back to your desk

Wrap-up

1) Treat the sponsor licence as a live system: key personnel, CoS allocation, regular log-ins.
2) Ask every candidate the same right to work and sponsorship questions early.
3) Choose the occupation code from the duties, not the budget.
4) Check salary against the general threshold, going rate, and any applicable discount.
5) New entrant discounts expire. Plan the pay rise before the extension.
6) Right to work: online for digital status, before day one, follow-ups diarised.
7) Never recover the CoS fee, Skills Charge or licence costs. Taper the rest.
8) Same occupation code: report it. New occupation code: new certificate and visa before the change.
9) Leavers: report within 10 working days of the last day, pay through notice, keep records.
10) Robust HR processes applied consistently are your best defence against a Home Office audit.

On the watch-list

Earned settlement

Proposed 10-year baseline for settlement, up from five. Not in force as of today; the rules are still to be laid in December 2026, with implementation in 2027.



thankyou

Employment law update and Round-up



James Baker
Partner

The Fun Police…

Cases where employers have clearly ‘got it wrong’

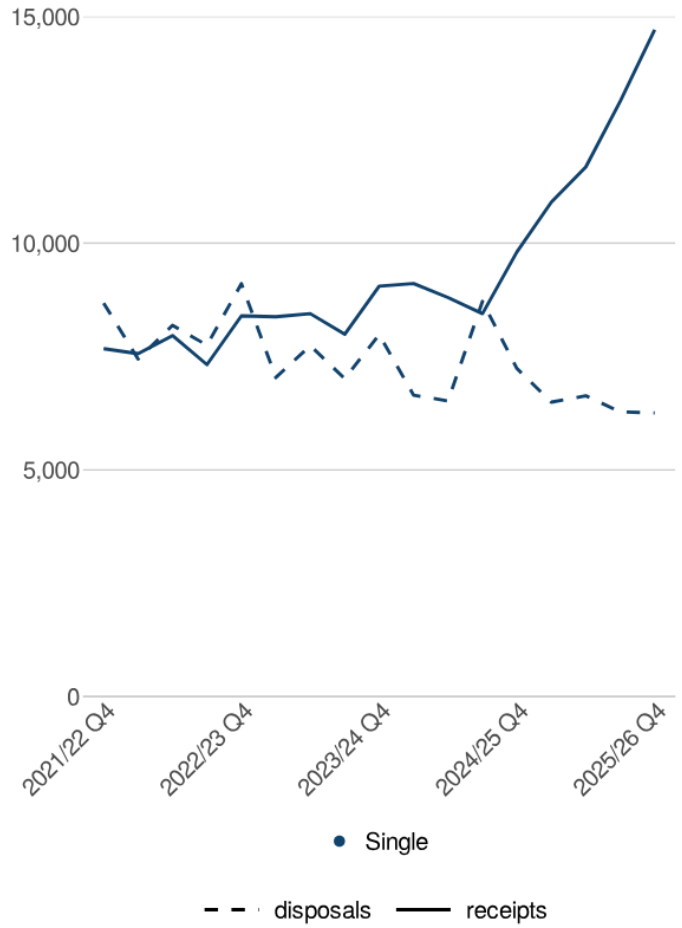


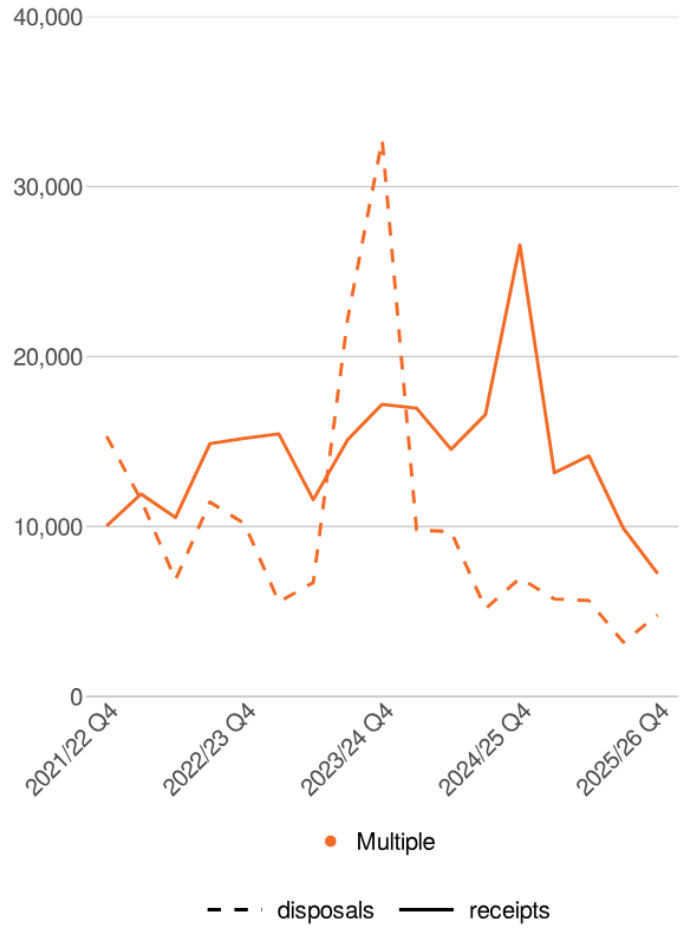


michelmores

Employment Tribunal Statistics…

Ministry of Justice – Official Statistics 11 June 2026





michelmores

Employment Tribunal Statistics…

Ministry of Justice – Official Statistics 11 June 2026

- Alternative Proceedings

  Increase in claims relating to payment of disputed sums by way of statutory demands (>£750.00), and if unpaid, winding up proceedings against the employer seeking involuntary liquidation.

  PI Claims in the High Court arising from discrimination and / or harassment.

- Injunctions and Document Retention

  Increase in retention of documents for the purpose of seeking legal advice and / or litigation.



michelmores

Cases you may have missed…

Employer Friendly Cases

Commerzbank AG v Ajao [2026] EWCA Civ 147

- Costs awards and imprisonment possible for claimants who proceed with unmeritorious claims and who commit contempt of court.

Burger v… JD Wetherspoon [2026] UKSC 0109

- Employers are not vicariously liable for the actions of genuinely self-employed individuals contracted to operate on or near its premises.



michelmores

Cases you may have missed…

Unfair Dismissal Related Cases

Kankanalapalli v Loesche Energy Systems Ltd [2026] EAT 49

- Ensure that offer letters make reference to the period of notice that is to be required / given during the probationary period.

Billings v Nestle UK Limited Case Number 6000033/2024

- A failure to admit wrongdoing and / or to apologise does not entitle an employer to terminate employment for gross misconduct.



michelmores

Cases you may have missed…

Unfair Dismissal Related Cases

Feature	PTN / PC	Without Prejudice
Legal Basis	s.111A of the ERA 1996	Common law
Existing Dispute	Not required	Required
Claims Covered	Narrow – Ordinary Unfair Dismissal	Broad – All Potential Claims
Protection	Limited – "*Improper Behaviour*" negates	Broad – fraud, blackmail and perjury only
Best Used When	Propose exit pre-formal process	Only when resolving an active 'dispute'

- Never mix terminology;
- Always use clear headings and explanatory language setting out the legal basis used;
- Always ensure that express language is used in meetings "off record"; "strictly confidential" and "on the DL" are meaningless from a legal perspective.

Cases you may have missed…

Unfair Dismissal Related Cases

Tarbuc v Martello Piling Ltd [2026] EAT 58

- Ensure Protected Conversations are used appropriately;
- Limited in scope to cover unfair dismissal claims only;
- Improper conduct can include broader context than just the meeting itself.

Gallagher v McKinnon's Auto and Tyres Ltd [2024] EAT 174

- An 'ambush' of itself is not sufficient to amount to 'improper behaviour;
- A request for an initial response within 48 hours did not invalidate the PTN process either.



michelmores

Cases you may have missed…

Unfair Dismissal and Redundancy Related Cases

Smith v North West Ambulance Service Trust [2026]

- Where an employee is ‘guilty by association’ a dismissal is likely to be unfair;
- Employers are required to be able to demonstrate knowledge of planned wrong-doing by a third party before trust and confidence can be demonstrated to have been breached.

Micro Focus Limited v Mildenhall [2025] EAT 188

- In cases concerned with whether collective consultation obligations arise – an employer does not have to look ‘backwards and forwards’ over the reference period for the obligations to arise – the focus should be on what is proposed.



michelmores

Cases you may have missed…

Restraint of Trade Related Cases

Geeks Limited v Joseph Watts [2026] EWCA Civ 889

- A training repayment clause that equated to approx. 45% of annual salary was deemed an unlawful restraint turning a *"…low-paid trainee into something close to an unpaid intern…"*.

AFH v Baker & Others [2026] EWHC 1674

- Covenants between a worker and a group company will not automatically be enforceable – careful consideration will be required to the drafting;
- Any ambiguity between multiple contracts will be construed against the 'stronger' party;
- Having a non-solicitation covenant 'diminished the need for' a non-dealing covenant, which may then be held unenforceable.

Cases you may have missed…

Whistle-blowing Related Cases

MacLennan v British Psychological Society [2026]

- Charity Trustees are not protected by Whistle-blowing legislation.

Darlington v LB of Islington [2026] EAT 11

- Settlement agreements cannot stop employees from making protected disclosures but can settle future claims future detriment claims arising from past disclosures.

Hendersen v GCRM Ltd & Others [2025] EAT 136

- Decision makers are not liable for information that they did not have knowledge about.

Bibescu v Clare Jenner [2026] EAT 30

- Motive alone does not invalidate a PID unless it is purely self-interested and devoid of wider public concern.



michelmores

Cases you may have missed…

Disability Discrimination Cases

Wickham v HMRC & Rockett [2026]

- Declared health history was not passed on to line management – it should be where it is foreseeable that there may be an impact on employment.
- Investigations regarding disability related queries should be handled objectively, and by HR – not by management.

Cunningham v BBC [2026] EAT 92

- Once reasonable adjustments are known, then can only be safely deviated from without risk of further claims, with medical input.
- Employee agreement to partial adjustments of itself will not prevent future claims arising and / or being successful.

Merriman v 1st Staff Ltd and Others [2026]

- Tribunals have no discretion to not permit a claim against individual names respondents in a failure to make reasonable adjustments claim.
- Even where the employer may use a ‘reasonable steps’ defence, no such defence is available for an individual respondent.

What is going on in the world…

Global trends and outliers



michelmores

What is going on in the world…

Global trends and outliers

France – Benefits

Remote employees have the same legal entitlement to benefits as in-office employees.



What is going on in the world…

Global trends and outliers

Brazil & Others – Working Time

Weekly maximum working hours follow the global downward trend … 44 down to 42.



michelmores

What is going on in the world…

Global trends and outliers

Spain and Belgium – Time Recording

Progression toward ‘total time recording’ being mandatory.



michelmores

What is going on in the world…

Global trends and outliers

Austria – Retirement

Partial pensions approach – being considered by other countries.

25-40% W’gTime reduction = 25% Pension

41-60% W’gTime reduction = 50% Pension

61-75% W’gTime reduction = 75% Pension



What is going on in the world…

Global trends and outliers

USA – Non-compete covenants

Federal and State laws are being introduced to ban the use of non-compete covenants for all.



michelmores

What is going on in the world…

Global trends and outliers

Australia – Non-compete covenants

Proposal to prohibit the use of non-compete covenants for ‘low and middle income’ employees.



michelmores

What is going on in the world…

Global trends and outliers

India – Non-compete covenants

Non-competes are only able to be used where there is a clear proprietary interest (such as a trade secret or highly commercially sensitive information) that requires the restraint to be imposed where no other means of protection would be appropriate or capable of achieving the same aim.



What is coming down the tracks…

Reform of Restrictive Covenants

Governments (current) thinking…

- Below £[THRESHOLD] – non-competes will be outlawed.
- Above £[THRESHOLD] – non-competes will be limited to a specific period of time.



michelmores

What is coming down the tracks…

ACAS Code of Practice Reform

1. Requirement for Informal Resolution

- Failure = <25% increase in compensation
- Cannot require employees to raise a formal grievance to have an issue addressed

2. Mediation

- Voluntary and no impact on compensation

3. Requirement to consider Reasonable Adjustments

- Failure = <25% increase in compensation

4. Guidance on circumstances for Suspension

- New ‘necessity test’

5. AI

- Government consulting on whether to include guidance on the use in HR processes.



michelmores

What is coming down the tracks…

Legislative Reforms

January 2027	Unfair dismissal qualifying period reduced to 6 months.
	Removal of the statutory cap on unfair dismissal compensatory awards.
	Reduction in the qualifying period for written reasons from 2 years to 6 months.
	Day 1 right to UD if dismissal for reasons relating to spent convictions / disclosure of such.
	Right to statement relating to ability to join a trade union. [Statement Template]
	Changes to regulations concerning tips and gratuities.
March 2027	Fire and re-hire prohibitions.
April 2027	Action Plans on gender equality and support through the Menopause mandatory.
	Bereavement Leave including pregnancy loss.

What is coming down the tracks…

Legislative Reforms

September 2027	Ban on NDAs relating to discrimination and harassment cases.
October 2027	Enhanced protection against dismissal during or after pregnancy. Protection against dismissal during or after statutory family leave. Flexible Working regime changes: • the ‘reasonableness test’; • requirement to meet with and consult; • failure to comply with the changes will result in compensation < 8 weeks pay.
December 2027	Regulation of umbrella companies.
January 2028	Evidence Based Steps for Employers to prevent Sexual Harassment.
?????? 2028	Gender Pay Gap Outsourcing Measures and Race Pay Gap Reporting.
?????? 2028	Mandatory Salaries in Job Adverts.

What is coming down the tracks…

What to do to mitigate the removal of the UD Compensation cap?

Option 1 - Advanced Settlement Agreement

- s.203 Employment Rights Act 1996.
- Providing claims are clearly identified they can be settled in advance.
- Limit to ordinary unfair dismissal claims, arising from ‘any termination’, so as to avoid litigation over the nature of the termination.
- Potential risk – contrary to public policy?
- Consider adverse publicity, risk is likely to be dependent on sector.

Option 2 – Employee Shareholder Status

- s.205A Employment Rights Act 1996.
- Value of shares must have a minimum of £2K in market value at the time of award.
- No consideration or capital contribution can be required of the employee.
- Shares must be fully issued and therefore the employer must have sufficient share capital.
- A shareholders rights statement must be issued dealing with ‘drag / tag along rights’ and independent legal advice must be obtained.
- Waive unfair dismissal rights, a right to a redundancy payment, and certain other rights such as to submit a flexible working request.

thankyou

contactus

Bristol
10 Victoria Street
Bristol
BS1 6BN

Cambridge
20 Station Road
Cambridge
CB1 2JD

Cheltenham
Eagle Tower
Montpellier Drive
Cheltenham
GL50 1TA

Exeter
Woodwater House
Pynes Hill
Exeter
EX2 5WR

London
100 Liverpool Street
London
EC2M 2AT

+44 (0) 333 004 3456
michelmores.com

Please note:
- This presentation is for information only. Both prepared content and any comments that our lawyers or speakers make during this presentation are just that and cannot be relied upon as legal or professional advice.
- Copyright in this presentation belongs to Michelmores and no content should be reused without permission.