

Breakfast Briefing

ERB Consultations

Agenda



Overview



Consultation guidance



Look at new consultations



How can members get involved?

Overview



Part of the “Make Work Pay” agenda



Aims to modernise employment protections



Four consultations open until Dec 2025 / Jan 2026



Your input can shape how these laws are implemented

General instructions



Each consultation subject to a deadline which can be found on first page



Respond online or by filling out and emailing to the relevant email address (found on govt page)



Consultation starts with general questions about company size/ who is filling out



Specific instructions at the outset of consultation document e.g. guidance on what questions relevant to individuals v employers

Consultation 1 – Trade Union Access to Workplaces



- Introduce a statutory right for unions to access workplaces
- Covers physical and digital access (e.g email, intranet)
- Employers will respond to union requests, disputes will go to the Central Arbitration Committee (CAC)
- CAC will determine access and issue fines up to £75,000 for non-compliance.



Make Work Pay:
Right of Trade Unions to
Access Workplaces

23 October 2025

Closing Date: 18 December 2025 11:59pm

Consultation 1 – Trade Union Access to Workplaces



- Closes 11:59pm, 18 December 2025
- Overview of content:
 - Form and manner e.g. should requests be in writing; should there be a standard form etc.
 - Information contained within an access request
 - Information contained within an employer response
 - Notification to CAC that agreement reached
 - Length of employer response period (5 working days proposed)
 - Length of agreement negotiation period (15 working days proposed)
 - Exemptions from right of access (e.g. under 21 employees)
 - Expiry dates

Consultation 2 – Duty to Inform Workers of Union Rights



Make Work Pay:

Duty to inform workers of their right to join a trade union

23 October 2025

Closing Date: 18 December 2025

Employers must issue a written statement informing workers of their legal right to join a union.

Applied at start of employment and potentially at other intervals.

Consultations seeks views on:

- Format (digital, paper, verbal)
- Content (Legal rights, union contact info)
- Delivery method
- Frequency

Closes 11.59 pm on 18 December 2025

Consultation 3 – Enhanced Protection for Pregnant Workers



- Stronger protections for dismissal during/after pregnancy
- Making it unlawful to dismiss:
 - Pregnant employees
 - Employees on maternity leave
 - Employees within 6 months of returning.
- Exceptions allowed only for specific circumstances (e.g. gross misconduct)



UK Government

Make Work Pay:

Enhanced dismissal protections for pregnant women and new mothers

23 October 2025

Closing date: 15 January 2026

Consultation 3 – Enhanced Protection for Pregnant Workers



- 15 January 2025
- Questions 1-6 seek views from those with lived experience on an individual basis
- Question 7 onwards for employers
- Questions largely seek views on what legal tests should be applied when assessing the fairness of the dismissal of a protected employee
- Technical/complex
- Consider contributing to the Scot Eng response

Consultation 3 – Enhanced Protection for Pregnant Workers



Question 14: Thinking about the fictional examples above - and any personal or professional experience you may have - when do you think it should be possible to dismiss a pregnant woman or new mother on grounds of conduct?
(Please select all that apply)

- A. Employers should be able to dismiss them fairly for any kind of misconduct; the rules shouldn't be narrowed.
- B. They should be dismissed if they have committed an act of gross misconduct (e.g. theft, violence).
- C. They should be dismissed if their continued employment poses a health and safety risk to customers, staff, or the public.
- D. They should be dismissed if their continued employment has a serious negative impact on the wellbeing of others.
- E. They should be dismissed if their continued employment causes significant harm to the business.
- F. Other – please specify.
- G. Don't know.

Consultation 4 – Bereavement Leave (including pregnancy loss)



UK Government

Make Work Pay:

**Consultation on Leave for
Bereavement including
Pregnancy loss**

Launch date: 23 October 2025

Closing Date: 15 January 2026

Introduce a day one right to unpaid
bereavement leave for:

Loss of loved one.

Pregnancy loss before 24
weeks



Seeks view on:

Eligibility
Criteria

Type of loss
covered

Notice and
Evidence
requirements

Timing and
duration of
leave

How can members get involved?



- Review all 4 government consultations
- Submit a company response
- Make a personal response e.g. maternity provisions
- Consider contributing to Scottish Engineering's sector response

Contribute to Scot Eng resposne



**Submit Feedback to us by 21
November at the very latest**



Contact Legal Team to contribute

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Any questions?

