



Make Work Pay: rapid analysis of Government proposals

11 October 2024

This rapid analysis has been prepared to explain how the [Employment Rights Bill](#) and [policy document](#) that were published on 10 October relate to SOLT & UK Theatre's detailed [policy briefing](#).

Make Work Pay covers a range of policy proposals designed to improve worker's rights. The Government will be consulting on all issues. Some changes will require legislation and others will require guidance. This will all take time, and nothing will come into effect immediately. SOLT & UK Theatre will continue to make the case for theatre at each stage of the process and will keep members updated throughout.

Areas that are covered in our detailed policy briefing and included below are:

- Ending "Exploitative" Zero-Hours Contracts (ZHC)
- Moving Towards a Single Status of Worker (rather than employee/worker)
- Genuine Living Wage
- Voice at Work (Repealing Trade Union legislation from the Conservative government)
- Maternity Discrimination (Making it unlawful to dismiss a woman who is pregnant for six months after her return, except in specific circumstances)
- Health and Safety at Work
- Right to Switch-Off

Day 1 rights are also included here, although are not in SOLT & UK Theatre's detailed policy briefing.

Ending "Exploitative" Zero-Hours Contracts (ZHC)

What is included in the Employment Rights Bill/policy document?

The Employment Rights Bill will allow workers on zero hours contracts and workers with a 'low' number of guaranteed hours, who regularly work more than these hours, **the ability to move to guaranteed hours contracts which reflect the hours they regularly work over a 12-week reference period**. If more hours become regular over time, **subsequent reference review periods** will provide workers with the opportunity to reflect this in their contracts.

The bill also ensures workers get **reasonable notice of any change in shifts or working time**, with proportionate compensation for any shifts cancelled or curtailed at short notice. Workers on full-time contracts who occasionally pick up overtime hours will not be affected.

Where work is genuinely temporary, **there will be no expectation on employers to offer permanent contracts**. The government have also considered other ways that



employers might try to avoid the measures and have addressed them in the bill. Those who are offered guaranteed hours will be able to remain on ZHCs if they wish.

The following will be covered in the forthcoming consultation:

- how the subsequent reference review periods should work,
- how zero hours contracts are effectively and appropriately applied to agency workers,
- what constitutes 'low hours' for each measure, which will be set in regulations.

SOLT & UK Theatre advocacy next steps

- At this stage, we do not believe that the Government has considered the particular use of zero-hours contracts in the theatre sector, and we will be making that case as strongly as possible. We believe we have similar issues as other sectors, such as hospitality, as will be seeking to work in effective coalition where possible.
- Seek an urgent meeting with Government to further stress the practical implications for the theatre sector and to seek clarity on how they see the legislation applying.
- We will continue to seek clarification on periods of business closure – including Dark Weeks, seasonal closures and show cancellations.
- Explore possibility of joint positions/lobbying with unions. Currently, BECTU collective agreements specify notice and compensation for cancelled shifts. We want to ensure that the collective agreements take precedent over new legislation.
- Consult with members to understand the implications of the 12-week reference period, whether this is sufficient and flexible enough for theatre employers.

Move Towards a Single Status of Worker

What is included in the Employment Rights Bill/policy document?

This is not included in the bill that was published on 10 October.

Instead, the Government will consult on a simpler framework that differentiates between workers and the genuinely self-employed, ensuring that all workers know their rights and have the comfort of protection at work.



SOLT & UK Theatre advocacy next steps

- We will continue to ensure that Government are aware of the unusual circumstances in our industry, the employment status of actors, and that the outcomes of McCowen and West ruling¹ will continue to stand.

Genuine Living Wage

What is included in the Employment Rights Bill/policy document?

There is no mention of consultation on the Genuine Living Wage.

The Government [has already changed the remit](#) of the independent Low Pay Commission so that, for the very first time, it will take account of the cost of living.

The Low Pay Commission has been asked to provide a final report on National Living Wage for April 2025 by the end of October 2024.

SOLT & UK Theatre advocacy next steps

- SOLT & UK Theatre will continue to advocate that the process and timescales for implementing the genuine Living Wage must consider the business need for advanced planning and the costs of collective bargaining arrangements where they exist.

Voice at Work

What is included in the Employment Rights Bill/policy document?

The Government is committed to updating trade union legislation to remove unnecessary restrictions on trade union activity. This includes repealing Strikes (Minimum Service Levels) Act 2023 and amendments to 2016 legislation.

The Government do not need to introduce new legislation to allow the use of modern and secure electronic balloting for trade union statutory ballots. They intend to launch a working group with stakeholders **by the end of this year**, including **cyber security experts and trade unions**, with full rollout implemented following Royal Assent of the Employment Rights Bill.

The current Employment Rights Bill does not mention any move towards workplace-by-workplace recognition.

The following will be covered in the forthcoming consultations:

¹ The ruling protects the self-employed status of actors while our collective agreements grant additional terms and conditions to actors that other self-employed workers do not receive under current legislation.



- consult to modernise the legislative framework that underpins our trade unions,
- seek views on several measures to update and reform this framework to hardwire negotiation, engagement, and dispute resolution,
- seek views on measures to remove the 10-year ballot requirement on political funds and simplify the amount of information unions are required to provide in industrial action notices.

The following will be covered in forthcoming legislation – not in current Employment Rights Bill:

- strengthen the collective voice of workers through trade unions by simplifying the union recognition process, bringing in a new right of access – with a transparent framework and clear rules designed in consultation with unions and business – for union officials to meet, represent, recruit, and organise members.
This will not impact on trade union’s existing collective agreements on access with employers.

SOLT & UK Theatre advocacy next steps

- Continue to engage the Government to seek reassurance that workplace-by-workplace recognition will not be introduced in future.
- Continue to seek reassurance that where sectoral collective bargaining is in place, it will remain the way that minimum terms and conditions are agreed – giving authority to those that understand the unique elements of a particular industry.

Maternity Discrimination

What is included in the Employment Rights Bill/policy document?

Strengthening protections for pregnant women and new mothers returning to work are one of the immediate changes included in the bill.

The bill grants powers to the Secretary of State to make provision about dismissal (other than by reason of redundancy) during, or after, a protected period of pregnancy.

There is no mention in the Bill or the policy document about how long the protected period of pregnancy will be, but it was stated as 6-months in the original Make Work Pay document.

There is no mention of consultation on this topic.



SOLT & UK Theatre advocacy next steps

- SOLT & UK Theatre will continue to advocate for an exception to be made for those working on short, fixed-term contracts to avoid liabilities on employers long after the agreed end-date of a fixed-term contract.

Health and Safety at Work

What is included in the Employment Rights Bill/policy document?

Modernising health and safety guidance is mentioned under pledges that will be implemented through non-legislative delivery.

They intend to review health and safety guidance with a view to modernising legislation and guidance, looking at neurodiversity awareness in the workplace, **how to modernise health and safety guidance with reference to extreme temperatures**, whether existing regulations and guidance is adequate to support and protect those experiencing the symptoms of long COVID, and ensure health and safety reflects the diversity of the workforce.

SOLT & UK Theatre advocacy next steps

- We will continue to advocate that any guidance should defer to industry-specific guidance, where this exists, to ensure that guidance reflects the unique elements of a particular industry.

Right to Switch-Off

What is included in the Employment Rights Bill/policy document?

This is not included in the bill; it will be implemented through a statutory Code of Practice. Delivery of these type of commitments will take place alongside the Employment Rights Bill's passage and beyond Royal Assent.

SOLT & UK Theatre advocacy next steps

- We will continue to advocate for business-critical exceptions to the right to switch off, and ideally would defer to industry-specific guidance where this exists.



Day 1 Rights

What is included in the Employment Rights Bill/policy document?

The bill will remove the **2-year qualifying period for protection from unfair dismissal**, delivering on the manifesto commitment to ensure that all workers have a right to these protections from day 1 on the job.

Fair dismissal will not be prevented, and the bill allows **employers to operate probationary periods** by providing an initial period during which there will be a lighter-touch process for employers to follow to dismiss an employee who is not right for the job. Existing day 1 rights that provide protection for employees from unfair dismissal will not be affected by the statutory probation period.

The following will be covered in the forthcoming consultations:

- the length of that initial statutory probation period; the government's preference is 9 months,
- how we can ensure the probation period has meaningful safeguards to provide stability and security for business and workers,
- how it interacts with Acas's Code of Practice on disciplinary and grievance procedures.

The reforms to unfair dismissal will not come into effect any sooner than autumn 2026, and until then the current qualifying period will continue to apply.

SOLT & UK Theatre advocacy next steps

- Engage with members to assess how these changes apply to the theatre sector and to represent the sector's views to Government.

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