

Human Resources



Do you employ staff?

Forthcoming Employment Law Update - July 2024

In this newsletter we summarise the manifesto pledges that the new labour government made, prior to winning the General Election, elements of which were covered in the King's Speech on 17 July 2024. We await the new Employment Rights Bill (possibly to be published in October 2024) which will confirm the finer detail, of these anticipated changes to employee rights, but in the meantime, please find our summary below:

Day One Employment Rights

- The removal of qualifying periods for basic rights like unfair dismissal, sick pay, and parental leave so they become day-one (of employment) rights.

Single Status of 'Worker'

- The removal of the current distinction between employees and workers so that all workers are afforded the same basic rights and protections, e.g., sick pay, holiday pay, parental leave, protection against unfair dismissal, etc.

Strengthening of Rights

- The strengthening of existing rights and protections, including for pregnant workers, whistleblowers, workers who are made redundant, workers who are subject to TUPE processes and those raising grievances.
- Encouraging employers to sign up to "Dying to Work" charter to support workers with a terminal illness.

Self-Employment

- The provision of a written contract for self-employed workers.

Increased Wages for Workers

- The removal of age bandings used in the current national minimum wage and living wage system.
- A reform of the role of the Low Pay Commission, including requiring it to take the cost of living into consideration when recommending rates.
- Ensuring travel time in sectors with multiple working sites is paid.
- An increased focus on 'sleep over' hours in sectors like social care.
- The creation of Fair Pay Agreements in adult social care.

- The banning of unpaid internships except as part of education/training course.

Sick Pay

- As stated above, the right to Statutory Sick Pay (SSP) will become a day one employment right, available for all workers, irrespective of an individual's earning limit and the removal of the 3 day waiting period.
- Focus on the rate payable so that it represents a fair earnings replacement.

Tips

- The strengthening of the law to ensure hospitality workers receive their tips in full and workers decide how tips are allocated.

Closure of Pay Gaps

- The mandatory publication of ethnicity and disability pay gaps for employers with more than 250 employees.

Tackling Harassment

- The requirement for employers to create and maintain workplaces and working conditions free from harassment, including by third parties.

Flexible Working

- Making flexible working the default from day one for all workers except where it is not reasonably feasible to do so.

Family-Friendly Enhancements

- Making parental leave a day-one right.
- Introducing a right to bereavement leave.
- making it unlawful to dismiss pregnant employees for six months after a return from maternity leave except in specific circumstances.

Caring Responsibilities

- A review of the implementation of existing carer's leave right and an assessment of the benefits of introducing 'paid' carer's leave.

Zero-Hours Contracts

- A ban on one 'one-sided' flexibility and abuse of zero-hours contracts.
- Anyone working regular hours for 12 weeks or more will gain the right to a regular contract to reflect the hours being worked.
- All workers to receive reasonable notice of any change in their shifts or working time, and to receive recompense for the cancellation of confirmed shifts.

Fire and Re-Hire

- Improvement of the information and consultation procedures required in this situation by replacing the statutory Code of Practice with a stronger one. This new code of practice was published last week, on 18 July 2024 and can be accessed here: <https://www.gov.uk/government/publications/dismissal-and-re-engagement-code-of-practice/code-of-practice-on-dismissal-and-re-engagement-issued-by-the-secretary-of-state-under-section-203-of-the-trade-union-and-labour-relations-consolidat>
- The adaptation of unfair dismissal and redundancy legislation to prevent workers being dismissed for not agreeing to a worse contract.

Wellbeing

- Workers to be supported with their well-being and long-term physical and mental health.
- The assessment of whether existing regulations and guidance are adequate to support and protect those experiencing the symptoms of Long Covid.

Menopause

- The requirement for large employers with more than 250 employees to produce Menopause Action Plans.

Right to Switch Off

- The Introduction of a new right to disconnect and the protection of workers from remote surveillance.

Artificial Intelligence (AI)

- Working with workers, trade unions, employers and experts to examine what AI and new technologies mean for work, jobs and skills.

Update of Trade Union Laws

- The strengthening of the trade union right to enter workplaces.
- The simplification process of trade union recognition.
- The strengthening of protections for trade union representatives and a new duty on employers to inform their workforce of their right to join a union in their written contract.

Enforcement of Rights

- An extension of the time limit for bringing employment tribunal claims to six months.
- Simplifying the enforcement of equal pay.
- The establishment of a single enforcement body to enforce worker rights.

We will provide further detail in due course when the new Employment Rights Bill is published.

How can we Help?

If you have any queries relating to the content of this newsletter, or any other HR related topic, please don't hesitate to contact us via hradvice@hasslefreehr.co.uk.

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