

# EMPLOYMENT LAW UPDATE

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# EMPLOYMENT LAW AGENDA

- Workers Predictable Terms and Conditions Act
- Employment (Allocation of Tips) Act
- The Worker Protection Act
- Protection from Redundancy (Pregnancy and Family Leave Act)
- The Carer's Leave Act
- Neonatal Care Act
- Miscarriage Leave Bill
- Employment Rights Regulations (Holiday Pay, working time, TUPE)



# WORKERS PREDICTABLE TERMS AND CONDITIONS ACT

## CHANGE IN T&CS

- Workers can apply for a change in T&Cs
- This is to obtain a predictable working pattern

## WHAT IS 'PREDICTABLE'?

- There is currently no set definition of a 'predictable working patterns'

## WORKING PATTERN REFERS TO

- No. of hours worked
- Days and times worked
- Length of contract

## REASONS FOR REJECTION

- Genuine business reasons for rejections (ERA 1996)
- Must not discriminate unlawfully (Equality Act 2010)

## DIFFERNT TYPES OF WORKERS

- A fixed term contract employee can request to have contract extended or be made permanent
- Workers (cf.employees) can also make requests to agencies or hirers



ACAS  
Code of Practice  
consultation



# WORKERS PREDICTABLE TERMS AND CONDITIONS ACT

## REASONS FOR REJECTION

- The burden of **additional costs**
- A detrimental effect on the ability to **meet customer demand**
- A detrimental impact on the **recruitment of staff**
- A detrimental impact on the **other aspects** of the employer's business
- **Inefficiency of work** during periods the worker proposes to work
- **Planned structural changes**



**Expected in September 2024. Start reviewing relevant policies NOW**

## EILIGIBILITY

- 26 weeks service (but not continuous)
- Lack of predictability in their work pattern
- Fixed term contracts under 12 months
- 2 applications in a 12 month window



# EMPLOYMENT (ALLOCATION OF TIPS) ACT

## POLICY & PROCEDURE

- Employers need to prepare policy and procedures for full transparency and clarity around cash payments directly to the employee
- They need to keep good records

## CONSEQUENCES

- Failure of the employer to pay the employee fairly could result in a payment of £5,000 to each employee

## TIMEFRAME

- Employees have 12 months from non payment to make a claim



July 1<sup>st</sup> 2024



# THE WORKER PROTECTION ACT

- Reasonable steps to prevent sexual harassment of their employees
- EHRC are working on a new statutory code
- Tribunals can increase compensation if employee successful in claim and employer failed to prevent

## In preparation, the business can:

- Review EDI policies
- Provide examples of what sexual harassment looks like and it might look like to some colleagues
- Training managers and employees
- Create a process for reporting cases
- Training on dealing with complaints

How does your business develop a culture of zero tolerance to sexual harassment?



Expected in  
October  
2024



# PROTECTION FROM REDUNDANCY (PREGNANCY AND FAMILY LEAVE) ACT

- Protection extended by 6 months after the end of maternity leave
- Waiting for the legislation to become law



6<sup>th</sup> April  
2024

- <https://maternityaction.org.uk/advice/redundancy-during-pregnancy-and-maternity-leave/>



# UNPAID CARER'S LEAVE

One-week unpaid leave

The employee won't need to say who the leave is for

Employees will have protection from dismissal for requesting carer's leave

We are waiting for regulations



6<sup>th</sup> April  
2024





# NEONATAL CARE ACT: ADDITIONAL LEAVE & PAY

## ADDITIONAL LEAVE & PAY CONDITIONS

- Expected to be an extra 12 weeks of paid leave
- First day right providing:
  1. Neonatal care begins between 1-28 days of the baby's birth
  2. The baby requires a continuous 7 days of neonatal care
- It can be taken either whilst the baby is in neonatal care or at the end of maternity leave

## EILIGIBILITY

- 26 weeks service
- Earn at least the lower earnings limit of £123

How confident are your managers at discussing these 'difficult' topics with their employees?



**Expected in April 2025.**



# MISCARRIAGE LEAVE

- Expected to introduce 3 days of paid leave for people who have experienced a baby loss before 24 weeks



How confident are your managers at discussing these 'difficult' topics with their employees?



Delayed but still in the pipeline

# REFORMS TO HOLIDAY RIGHTS REGULATIONS

- We now have definitions and clarity on:

- What constitutes
  1. *An irregular hour worker*
  2. *A part year worker*
- Explanations on how their holiday is accrued
- Leave entitlement when leaving a job part-way through a leave year
- Calculating statutory holiday entitlement accrued by irregular hours and part-year workers while they are on maternity or family related leave or off sick
- Carryover leave
- Leave affected by COVID-19
- Holiday pay calculations
- Rolled-up holiday pay
- A 52-week reference period to calculate holiday pay

You can read more on the [gov.uk](https://www.gov.uk) website – we will send a link following Breakfast Club



Read guidance for your specific employment patterns. Check how you have been calculating holiday entitlement for these workers



# EQUALITY ACT 2010 (REGS 2023)

**Protection from being on maternity leave or breast feeding**

**Protection from indirect discrimination due to association with protected characteristics**

**Public statements saying that an employer wouldn't employ people with protected characteristics**

**Equal pay claims for single source claims comparing with other companies**

**Definition of a disability: the inability to participate fully and effectively in working life on an equal basis with other workers**



# TUPE CHANGE

*Small employers can consult directly where there are no coworker representatives in place. But the business must consult trade union representatives, if the business recognises them.*



# FUTURE EVENTS



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**30<sup>th</sup> April**  
**Via Zoom, 09:30-10:30**

## Accidental Managers: Promotion Without Preparation

- Informing MDs and HR how they can avoid the accidental manager trap by implementing long term strategies within the business

**Starts 5<sup>th</sup> June**  
**Via Zoom**

## ILM Level 3

- 5th, 19th June, 3rd and 10th July 2024
- Covering: Understanding leadership, management communications, Understanding performance, Motivation and coaching skills.

**Starts 15<sup>th</sup> May ,**  
**Via Zoom**

## ILM Level 5

- 15th May, 12th June, 17th July and 14th August 2024
- Covering: Leading Innovation and change, Managing Individual development and
- Developing leadership style

**9<sup>th</sup>, 23<sup>rd</sup> May 2024,**  
**Gloucester & Worcester,**  
**09:15am-10:45am**

## HR & Employment Law Update

- Next quarter's topic: '***The most difficult conversation: Speaking to colleagues affected by a life limiting or terminal illness***' - Guest speaker, Clare Davis, CEO at Longfield Community Hospice.

You will receive  
links to book on  
in an email!

