

Keystone Employment Law Updates

What you need to know 2024

Labour manifesto commitments	Legislation date of change	What to look out for
<p>Day one rights – Remove the qualifying period for basic rights like unfair dismissal, sick pay and parental leave</p>	<p>The Employment Relations (Flexible Working) Act 2023 brought in the following changes to the law on flexible working, where the request was made on or after 6 April 2024 :</p> <ul style="list-style-type: none"> • Introduced the requirement to consult on alternatives before refusing a request. • Two requests in any 12-month period are now permitted. • The time limit to deal with a flexible working request is now two months. <p>Employees are no longer required to set out the effect their requested arrangement will have on the business, nor suggest ways their employer can manage it. It also became a day one right to request flexible working.</p>	<p>Day one requests need to be responded to within two months. This is acknowledgement, meeting and reviewing.</p> <p>Top tip- if you need to recruit to accommodate the request. Set time frames and record the options in a meeting</p> <p>If you have a subject area challenge, look at alternative arrangements.</p> <p>Flexible working can also include adjustments to work-from-home, PPA time or work-from-home office staff. Compressed or annualised hours may also be considered. Cross-reference with your contracts and other policy implications. (directed time ETC)</p>
<p>Single status of “worker”: Remove 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.</p>	<p>No bill has been put forward yet!</p>	<p>If this comes into force, you will need to review who you currently have as a worker. Often, in school, this may be a per teacher or a sports coach.</p>

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<p>Strengthen rights: Strengthen existing rights and protections, including for pregnant workers, whistleblowers, workers made redundant, workers subject to TUPE processes and those making grievances; reinstate School Support Staff Negotiating Body; and encourage employers to sign up to “Dying to Work” charter to support workers with a terminal illness.</p>	<p>Many changes are expected but not yet into the Bill. Expected changes from Kings speech in this are are:</p> <ul style="list-style-type: none"> • making parental leave, sick pay and unfair dismissal protection available from day one for all workers, albeit with provisions to allow for dismissals during probationary periods • banning exploitative zero-hours contracts • ending "fire and re-hire" • making flexible working the default from day one for all workers • making it unlawful to dismiss someone who has had a baby for six months after their return to work, other than in limited circumstances • removing the lower earnings limit and the waiting period from the eligibility requirements for Statutory Sick Pay • establishing a new single enforcement body, or Fair Work Agency, to strengthen the enforcement of workplace rights • establishing a Fair Pay Agreement in the adult social care sector • removing restrictions on trade union activity, repealing minimum service levels, simplifying the statutory recognition process and ensuring a regulated route to access a trade union within workplaces. 	

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<p>Raise wages for workers: Remove age bandings used in current system; reform role of the Low Pay Commission, including requiring it to take the cost of living into consideration when recommending rates; ensure travel time in sectors with multiple working sites is paid; act on “sleep over” hours in sectors like social care; create Fair Pay Agreements in adult social care; and ban unpaid internships except as part of education/training course.</p>	<p>1st April 2024 The National Living Wage age band was expanded to include workers aged 21 and over. The National Living Wage and National Minimum Wage rates increased as follows:</p> <ul style="list-style-type: none"> • The National Living Wage for workers aged 21 or older is now £11.44 per hour. • The National Minimum Wage for workers aged 18–20 is now £8.60 per hour. • The young workers rate for workers aged 16–17 is now £6.40 per hour. <p>The apprentice rate for apprentices under 19, or over 19 and in the first year of their apprenticeship, is now £6.40 per hour.</p>	<p>Not as impacted for Teaching and NCJ staff who have recently had negotiated pay increase of 0.5% and 2.5% but you may wish to monitor changes to benchmark and job evaluate.</p> <p>Consider part time workers and in SEND settings where care workers are employed.</p>
<p>Sick pay: Strengthen Statutory Sick Pay (SSP), make it available for all workers, and remove the waiting period. The rate should represent fair earnings replacement.</p>	<p>1st April 2024 The new rate for Statutory Sick Pay of £116.75 came into force.</p>	
<p>Close pay gaps: Publication of ethnicity and disability pay gaps to be mandatory for firms with more than 250 staff.</p>	<p>Awaiting date to be confirmed. Regulatory exemptions from requirements such as gender pay gap reporting will be extended to businesses with fewer than 500 employees; currently, this applies to businesses with under 250 employees.</p>	<p>Ensure HRIS systems are capturing the data</p>

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<p>Tackle harassment: Require employers to create and maintain workplaces and working conditions free from harassment, including by third parties.</p>	<p>October 2024—The Worker Protection (Amendment of Equality Act 2010) Act and relevant secondary legislation are expected to come into force, introducing a new proactive duty for employers to take reasonable steps to prevent sexual harassment of their employees. Tribunals will also have the power to uplift sexual harassment compensation by up to 25% where an employer is found to have breached this new duty.</p> <p>September 2024 - A revised version of the Equality and Human Rights Commission’s (EHRC) ‘Sexual Harassment and Harassment at Work: Technical Guidance’, to bring it in line with the Worker Protection (Amendment of Equality Act 2010) Act 2023, is expected to be released.</p>	<p>Review sexual harassment policies. Consider training for mental health first aiders or wellbeing officers. Review in school/trust whistleblowing mechanisms for reporting harassment</p>
<p>Family-friendly: Make parental leave a day-one right; introduce right to bereavement leave; make it unlawful to dismiss pregnant employees for six months after return from maternity leave except in specific circumstances.</p>	<p>After receiving Royal Assent on 24 May 2024, the Paternity Leave (Bereavement) Bill became the Paternity Leave (Bereavement) Act 2024. Once in force, this will give the right to bereaved parents to take a form of paternity leave where they would not otherwise be eligible due to their length of service. No implementation date is available for this yet.</p> <p>October 2024 - Under the Neonatal Care (Leave and Pay) Act 2023, parents of babies who are admitted to hospital before 28 days old and for at least one week will get a maximum of 12 weeks leave, paid at the statutory rate, in addition to maternity/paternity leave.</p>	<p>Ensure policies are up to date.</p> <p>Consider how you will manage request for leave from parents wishing to take parental leave.</p> <p>Whilst not connected to a parental leave change, we also advise checking the wording on shared parental leave policies when updating these elements.</p> <p>Simple policies can cut through jargon, but if unsure, seek professional review for each</p>

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	<p>6th April 2024 The Paternity Leave (Amendment) Regulations 2024 made significant changes to paternity leave, allowing it to be taken in the first 52 weeks after birth or adoption and as two separate weeks, one single week or two consecutive weeks together.</p> <p>This applies to children whose expected week of childbirth is after 6 April 2024 and children whose expected date of placement for adoption, or expected date of entry into Great Britain for adoption, is on or after that date.</p> <p>6th April 2024 The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 extended redundancy protection to apply during pregnancy and for a period of 18 months after birth or placement of a child for those who returned from maternity, adoption or shared parental leave on or after that date.</p>	<p>area. They can be complexities in individual circumstances.</p>
<p>Caring responsibilities: Review implementation of carer’s leave and examine benefits of introducing paid carer’s leave.</p>	<p>6th April 2024 – The Carer’s Leave Regulation 2024 introduced new statutory rights to unpaid carers’ leave for employees</p>	<p>This is unpaid, so whilst they may not need to provide evidence of dependency need, the leave can be unpaid and is expected to be used for support of pre-planned events such as attending medical appointments.</p>
<p>Zero-hours contracts: Ban “one-sided” flexibility; anyone working regular hours for 12 weeks or more will gain right to a regular contract to reflect hours worked; and all workers to get reasonable notice of any change in shifts or</p>	<p>Expected September 2024 The Workers Act (Predictable Terms and Conditions) 2003 and the second regulations are expected to come into force approximately one year after Royal assent, which was given on 8 October 2023.</p>	<p>We may see a shift in how we obtain staff through agency and cover. It is not clear if people will request more predictability, but where they do, they are more than likely to be put into longer-term</p>

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working time, and recompense for cancelled shifts.	This act will allow workers and agency workers the right to request more predictable terms and conditions of work.	<p>placements, and this has the potential to leave shortages on day cover.</p> <p>If you have your own zero, our contracts, consider adding in a minimal amount of shifts per term or a maximum.</p>
<p>Wellbeing: Support the well-being of workers and their long-term physical and mental health, and assess whether existing regulations and guidance are adequate to support and protect those experiencing the symptoms of Long Covid.</p>	<p>This is intended to bring into law Labour's manifesto commitment to "enshrine the full right to equal pay in law" for ethnic minorities and disabled people.</p> <p>The Bill is expected to include the following:</p> <ul style="list-style-type: none"> • introduce into law the full right to equal pay for ethnic minorities and disabled people and give them the right to bring an equal pay claim • mandatory ethnicity and disability pay reporting for employers with 250 or more employees. 	<p>DFE publish guidance on well-being and mental health in work</p> <p>Education staff wellbeing charter - GOV.UK (www.gov.uk)</p>
<p>Menopause: Require large employers with more than 250 employees to produce Menopause Action Plans.</p>		<p>Menopause and Andropause have been hot topics for several years, whilst many MATs operate separate policies, you can have this as part of your overall wellbeing policy</p> <p>Managing the menopause - Menopause at work - Acas</p>