

PPMA conference: Proposed changes to employment law

25 September 2024

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Employment law changes ahead

- The King's Speech – given at the state opening of Parliament on 17 July 2024
- Outlined key legislation changes for employment
 - Employment Rights Bill
 - Equality (Race and Disability) Bill
 - A Bill known as 'Hillborough Law'
- The Bills build on Labour's election [manifesto](#) and "[Plan to Make Work Pay](#)"
 - Core part of Labour's stated mission to grow Britain's economy and raise living standards across the country
 - Stated aim is to ensure more people stay in work, make work more family-friendly and improve living standards, put more money in working people's pockets to spend, boost economic growth, resilience and conditions for innovation.
 - Proposes that stronger trade unions and collective bargaining will be key to tackling problems of insecurity, inequality, discrimination, enforcement and low pay

Employment Rights Bill

- Not yet published, but is “to be introduced within the first 100 days” (so, by October 2024)
- The Government states that it is committed to delivering its New Deal for Working People in full.
- The Bill will aim to deliver on policies as set out in the Plan to Make Work Pay that require primary legislation to implement.
- Therefore, the Bill is expected to implement:
 - ‘Day one’ rights: unfair dismissal, parental leave, sick pay.
 - Ensure minimum wage is a genuine living wage
 - remove ‘discriminatory’ age bands so all adults are entitled to same minimum wage
 - new Fair Pay Agreement in adult social care sector
 - Dismissal and re-engagement (fire & rehire): when there is genuinely no alternative, businesses will be able to restructure to remain viable, however, employers “must follow a proper process”
 - Whistle-blowers
 - Strengthen protections, including updating protection for women who report sexual harassment at work

Employment Rights Bill

- Grievances: enable employees to collectively raise grievances about conduct in their place of work with Acas
- Employment status: move towards a single status of worker
- Equality at work:
 - trade union equalities representatives
 - strengthen Equality Impact Assessments for public sector bodies
 - implement a regulatory and enforcement unit for equal pay with involvement from trade unions
 - large firms to develop, publish and implement action plans to close their gender pay gaps, and to include outsourced workers in their gender pay gap and pay ratio reporting
 - pay gap reporting – publication of ethnicity and disability pay gaps
 - enact the social economic duty under section 1 of the Equality Act 2010
- Ending of 'one-sided' flexibility:
 - Ban exploitative zero hours contracts
 - Introduce right to contract that reflects number of hours they regularly work based on a 12 week reference period
 - Reasonable notice of any change in shifts or working time, with compensation that is proportionate to the notice given

Employment Rights Bill

- Family friendly rights:
 - Parental leave will become a day one right
 - Parental leave system would be reviewed within the first year
 - Strengthening protections for pregnant women by making it unlawful to dismiss a woman who is pregnant for 6 months after her return, except in specific circumstances
 - Introduce the right to 'switch off'
- Sexual harassment – strengthen legal duty for employers to take all reasonable steps to stop sexual harassment before it starts
- Large employers with more than 250 employees to produce Menopause Action Plans
- Trade Unions
 - Repeal of the Trade Union Act 2016, the Minimum Service Levels (Strikes) Bill and the Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2022.
 - Allow electronic balloting,
 - Give trade unions and members a new right to access workplaces
 - Create rights and protections for union representatives undertaking duties.
 - Introduce a new duty on employers to inform new employees of their right to join a union and inform all staff of this on a regular basis

Employment Rights Bill

■ Employment Tribunals

- Further digitalise employment tribunals
- Improve and strengthen enforcement through Tribunals to provide quicker and more effective resolutions
- Increase time limit within which employees are able to make Tribunal claim from 3 to 6 months to bring the time limit for all claims in line with statutory redundancy and equal pay claims
- Support those who are seeking to make pregnancy discrimination claims

■ Safer work places

- Labour will:
 - work with employers to support the wellbeing of workers and their long term physical and mental health
 - consider whether existing regulations and guidance is adequate to support and protect those experiencing the symptoms of long Covid
 - to modernising health and safety guidance at work (extreme temperatures, long Covid, mental health and menopause).

Equality (Race and Disability) Bill

- “will tackle inequality for ethnic minority and disabled people”
- Delivers on one of the Plan to Make Work Pay promises to require employers with 250 or more staff members to publish ethnicity and disability pay gap reports.
- Will also “enshrine the full right to equal pay in law” for global majority and disabled people

‘Hillsborough Law’

- Mentioned in the King’s Speech given at the state opening of Parliament on 17 July 2024
- This will deliver another of Labour’s manifesto commitments to place a legal duty of candour on public servants and authorities.
- “The Bill will be the catalyst for a changed culture in the public sector by:
 - improving transparency and accountability where failure in the provision and delivery of public services is the subject of public investigation and scrutiny.
 - reducing the culture of defensiveness in the public sector.
 - helping ensure that the lack of candour uncovered in recent reports is not repeated, such as in the case of the Hillsborough and Infected Blood Inquiries.”

What to take away

- Significant changes are ahead - how will you deliver the changes and manage the likely higher case load?
- We now await the publication of the draft Bills
- Until then, not clear when these proposed changes will be implemented and what the practicalities will be
- For now, need to factor in time for the review of existing policies, procedures and contracts to ensure that they are fully compliant with any future employment law changes

2024/25 – recent and future changes

- 18 September 2024
 - New right to request predictable T&Cs/working pattern
- 26 October 2024
 - New duty on employers to take reasonable steps to prevent sexual harassment
- April 2025
 - Neonatal leave and pay
- DATE TBC
 - Paternity Leave and Pay (Bereavement) Act 2024 passed on 24 May 2024. Once in force, it will bring in right to two weeks paternity leave for partners dealing with the loss of their child's mother in childbirth
- There may also be tax changes that impact on your workforce possibly creating further pay pressures

Q&A