



Legislative Updates 2024

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New Acts and Legislation for 2024

- The Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- The Employment Relations (Flexible Working) Act 2023 and The Flexible Working (Amendment) Regulations 2023
- Paternity Leave (Amendment) Regulations 2024
- Holiday Pay: The Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023
- The Carer's Leave Act 2023
- National Minimum Wage increases from £10.42 to £11.44
- Statutory payments such as maternity, paternity also increase

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The Protection from Redundancy (Pregnancy and Family Leave) Act 2023

- Effective from 6th April 2024
- Extends the current protection afforded to employees on maternity, shared parental leave or adoption leave during redundancy
- Must offer anyone on maternity leave a suitable vacancy where one exists before making them redundant
- 65 • Now extended to those who have recently returned from maternity/adoption leave and shared parental leave
- Protection now applies from the point the employee informs us she is pregnant
- Protection now applies to an employee during a loss of pregnancy
- Failure to offer means an employee has a claim for an automatic unfair dismissal, meaning a compensatory award that is not capped
- It does not require two years' qualifying service and could bring an additional claim for discrimination



The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 continued....

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Length of protection	
Pregnant employee who takes maternity leave	<p>Start: When the employer has been notified of pregnancy</p> <p>End: 18 months from the child's date of birth if notified to employer before the end of maternity leave (or 18 months from the Expected Week of Childbirth if not notified)</p> <p>(Includes any time spent in this period on maternity leave or other statutory leave)</p>
Employee who has suffered a miscarriage	<p>Start: When the employer has been notified of pregnancy</p> <p>End: Two weeks after the end of the pregnancy, for pregnancies ending before 24 weeks.</p> <p>Note: Pregnancies ending after 24 weeks are classed as stillbirths and the employee would be entitled to statutory maternity leave (see above).</p>
Employees taking adoption leave	<p>Start: Beginning of adoption leave</p> <p>End: 18 months from date of placement or date of entry into Great Britain (if overseas adoption).</p> <p>(Includes any time spent in this period on adoption leave or other statutory leave)</p>
Employee taking shared parental leave	<p>Note: If the employee has also taken maternity or adoption leave, the above periods apply instead.</p> <p>Start: Beginning of SPL</p> <p>End: If less than six weeks of SPL is taken, at the end of SPL. If more than six continuous weeks of SPL is taken, 18 months from child's date of birth (inclusive of any time spent on statutory leave).</p>



The Employment Relations (Flexible Working) Act 2023 and The Flexible Working (Amendment) Regulations 2023

- Effective from 6th April 2024
- Already an existing flexible working system in place but there is a qualifying period of at least 26 weeks' service
- The right to request flexible working will apply from day one
- An employee may request a change to the hours they work, the times they work or from a different location e.g. home
- The right to make 2 requests a year
- Removal of prescribed procedure but deal with them in a reasonable manner
- Can still reject on same grounds
- Cannot be used for full time pay for part time work purposes

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Paternity Leave (Amendment) Regulations 2024

- Effective from 6th April 2024
- Amendments to existing legislation
- Leave can be taken at any point in the first year after the birth of the child instead of the first 8 weeks
- Can be split into two separate weeks rather than two consecutive weeks
- 8 • Change in notification period is reducing from 15 weeks before the planned date of birth down to 28 days
- Tougher application process as employees must sign a declaration of their eligibility and the legitimate purpose of their leave



Holiday Pay: The Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023

- Effective from 1st January 2024
- Only applies to leave after 1st April 2024
- Currently 2 base leave allowances in place based on EU and UK law which is 20 days plus 8 statutory bank holidays making 5.6 weeks leave
- EU case law stated leave must be paid at normal pay which means including overtime and commission in calculations whereas UK law is at basic pay only
- EU supremacy over UK law ceased on 1st January 2024
- Plans to move into one have been dropped meaning what was in place remains resulting in EU caselaw into UK legislation
- Pragmatic approach is that we already offer a better rate
- Rolled up holiday pay will now be allowed for some staff
- Statutory leave under EU law can only be carried over on sickness absence but now has timeframe to be used



The Carer's Leave Act 2023

- Effective from 6th April 2024
- Brand new piece of legislation
- New and flexible entitlement of one week's unpaid leave per year for employees who have a dependent with a long-term care need
- The leave applies from day one of employment
- No requirement to evidence other than self-certification
- 70 • Leave is to be used to provide or arrange care for a dependent with a 'long term' care need
 - Illness or injury (physical or mental) that requires or is likely to require care for more than 3 months
 - A disability under the Equality Act 2010
 - Issues related to old age
- There is clear application processes
- Leave must be taken a minimum of half a day and does not have to be used on consecutive days
- Employers can postpone the leave if the operation of the business would be unduly disrupted but they must be allowed to take it within a month of the original request



Forward planning for April 2024 and beyond...

- The Worker Protection (Amendment of Equality Act) Act shows a significant change to the law on our obligation to protect employees from sexual harassment with effect from 26th October 2024
- The Neonatal Care (Leave and Pay) Act is due to come into effect in April 2025 providing the parents with a right of up to 12 weeks' leave and statutory pay when their baby requires at least seven days of medical or palliative care which start within the first 28 days after birth

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