



DWF Law LLP

The Employment Law implications from the General Election

Welcome

Agenda

1. Ending “one-sided flexibility”

2. Family friendly rights

3. Fair pay

4. Voice at work

5. Equality at work

6. Rights at work

7. Questions



How soon can we
expect change?







Ending “one-sided flexibility”

Basic day one rights

- Unfair dismissal – how will the probationary period operate?
- Sick pay
- Parental leave



Key considerations

-  Robust recruitment processes.
-  Review performance and disciplinary procedures to ensure they are fit for purpose.
-  Keep probationary periods under review.
-  Consider notice periods.
-  Review sickness absence and parental leave policies.
-  Increased risk of claims.

Dismissal and re-engagement

What is the future for “fire and
rehire”?

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The logo for the law firm 'dwf' is located in the top right corner. It consists of the lowercase letters 'dwf' in a bold, black, sans-serif font, enclosed within a white, rounded rectangular shape that has a slight shadow effect.

Key considerations



Fire and rehire is under review.



Changing terms and conditions will become harder.



Increased risk of claims if employers fail to follow the correct procedure.

Zero hours contracts

“Exploitative” zero hours contracts will be banned

Reasonable notice of any change in shifts or working time

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Key considerations



Employers which use zero hours contracts will need to reconsider their employment model.



Robust procedures will need to be implemented to ensure reasonable notice of changes in shifts or working time is given.

Further changes

Single status of worker

Going forward, the government propose to simplify the law surrounding employment status by categorising an individual as either self-employed or a worker.

Collective redundancies

Changes to collective redundancies would be introduced, with the aim of triggering collective consultation rights more easily in circumstances where a certain number of employees are made redundant across a whole business, rather than the current 'one workplace' rule.

Key considerations



If implemented the amendment to worker status could be highly significant for employers. It is likely that the new category of worker would have the full quota of rights currently enjoyed by “employees”. This will mean there is an increased risk of claims for employers.



Employers should carry out workplace audits to assess the impact.



Employers will need to be mindful of the changes to collective redundancy consultation rights. Failure to properly consult increases the risk of a claim.

Family friendly rights

Family friendly rights

Having a baseline set of family-friendly rights means that working people can enjoy a better work-life balance that benefits their wellbeing and productivity.

Labour's Plan to make Work Pay



Flexible working

To become the default position



Parental rights

Parental leave to become a day one right for all workers



Maternity discrimination

Unlawful to dismiss a woman who is pregnant for six months after her return



Carer's leave

The Labour government will examine the benefits of introducing paid carer's' leave



Bereavement leave

The government will clarify the law and entitlement, introducing the right to bereavement leave for all workers



Right to switch off

So that working from home does not become a 24/7 office



Technology and surveillance

Protecting jobs and safeguarding against discrimination

Key considerations



Policies and procedures will need to be kept under review and amended as appropriate.



Consideration will need to be given as to how new rights can be implemented whilst maintaining business standards – for example the right to switch off.

Fair pay

Fair pay

Genuine living wage

- The Low Pay Commission's remit will be extended to ensure the NMW takes into account increases in the cost of living.
- The "discriminatory" age bands will be removed to ensure every adult worker benefits from the NMW.
- The Single Enforcement Body and HMRC will be given the powers necessary to make sure the genuine living wage is properly enforced, including penalties for non-compliance.

Fair tips

- The government has committed to ensuring hospitality workers receive their tips in full and workers decide how tips are allocated.
- **UPDATE** - The Employment (Allocation of Tips) Act 2023 is due to come into force on 1 October 2024, together with the statutory Code of Practice on Fair and Transparent Distribution of Tips.



Key considerations



Employers need to be mindful that wage bills may increase once these changes are implemented.



Increased enforcement action.



Where tips are relevant, compliant tips processes will need to be employed.

Voice at work



What part will trade unions play under a Labour government?

Key considerations



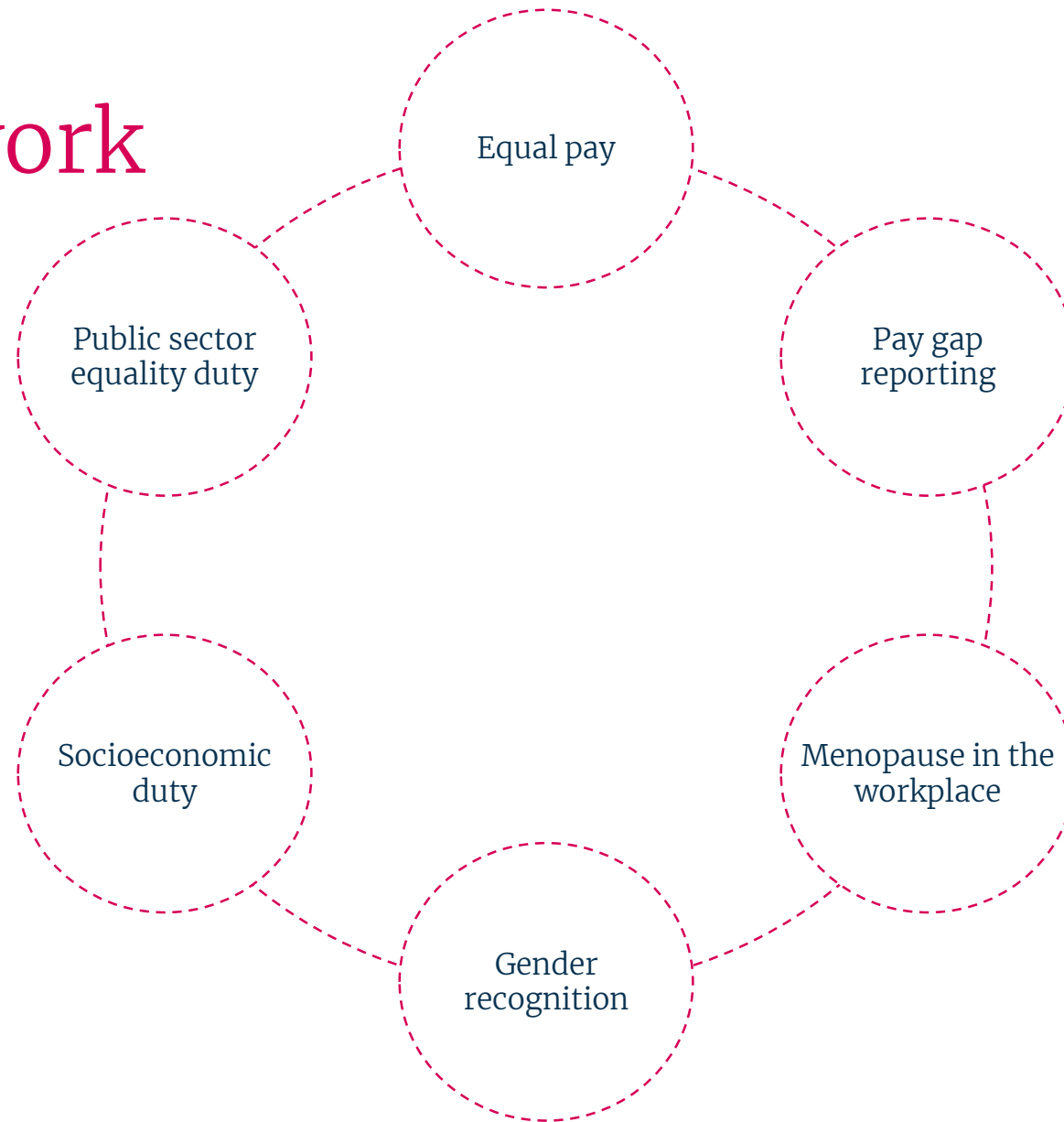
Unionised workplaces will need to take into account the increased role unions will play under the new government.



Legislation will be amended to remove some of the restrictions on trade union activity.

Equality at work

Equality at work



Key considerations



Employers should consider carrying out pay audits.



Steps will need to be taken where gaps are identified.



Menopause action plans will need to be considered by large employers.

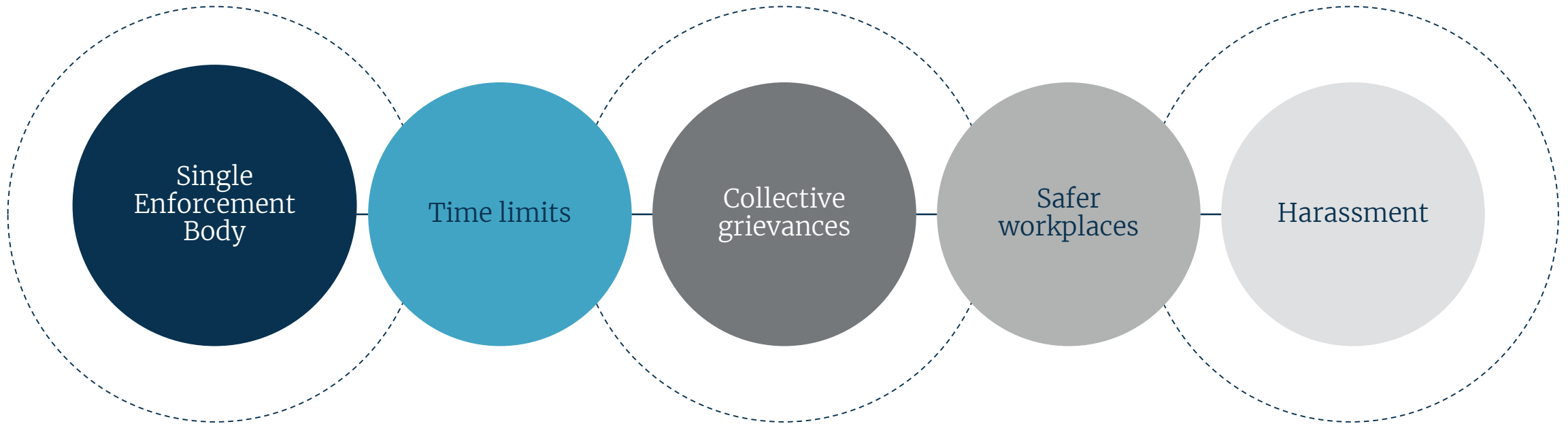


Although no plans to have menopause specific protection we are seeing an increase in menopause claims brought as age, sex or disability discrimination cases.

Rights at work

Rights at work

We will take a balanced approach to upholding workers' rights, including better support for employers to comply with the law, with accessible and joined-up guidance and best practice examples. **Labour's Plan to make WorkPay**



Key considerations



The extended time limit will increase the risk of claims for employers.



With the risk of claims increasing, employers may want to review their policies and procedures to help reduce risk.



Settlement strategies may also need to be reviewed.

Summary – take home points

Summary – take home points



With more employee protection we are likely to see more claims. This will increase legal spend for employers.



There is already a back log in the Employment Tribunal, this is likely to get bigger unless there are more judicial appointments.



Opportunity now to carry out workforce audits and to review policies and procedures in anticipation of the changes in law.



Watch this space to see when changes come into fruition and how they look when they do.

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