



Employment Newsletter

The purpose of this newsletter is to make it easier for you and your business to keep up to date with the changes in the law and what you need to be aware of.

We hope that you find this newsletter helpful!

BUSY YEAR AHEAD

This year is set to be busy for employment law, a number of Acts which were previously delayed as a result of covid are now being passed and implemented.

Please therefore, keep an eye on your emails. We will be emailing out updates to you as soon as possible, including updated and/or new policies.



Wishing you all the best for 2024

Thank you to all our clients for their continued support over the past year.

We hope you have a great 2024 and should you have any queries and concerns, please do not hesitate to contact us.



INCOMING CHANGES YOU SHOULD PREPARE FOR?

National Minimum Wage

National Minimum Wage is rising, details of this can be found in the Statutory Rates section.

However, you also need to be aware that as of 1 April 2024, the 21 - 22 year old band is disappearing. This means that those aged 21 and over will be entitled to the hourly rate of £11.44.

Flexible Working

From 6 April 2024, the law on Flexible Working will be changing.

The main changes that will be come into force are:

- Employee's will be able to request flexible working from their first day in a new job (rather than having to be employed for at least 26 weeks).
- Employees will have the right to make two statutory requests in any 12 -month period (rather than one statutory request in a 12-month period).
- An employee will no longer have to explain what effect the change would have on the employer and how that will be dealt with.
- An employer will have two months to make a decision (rather than 3 months).
- An employer will have to consult with the employee before rejecting a request.



You should continue to follow the usual process for dealing with flexible working requests until the new law comes into force. We will be sending out a new Flexible Working policy over the next few weeks.


Paternity Leave

From 6 April 2024, the following changes apply to paternity leave rights:

- Employees will be able to take their two-week paternity leave entitlement as two separate blocks of one week (rather than having to take just one week in total or two consecutive weeks).
- Employees will be able to take paternity leave at any time in the 52 weeks after birth (rather than having to take leave in the 56 days following birth).
- Employees will only need to give 28 days' notice of their intention to take paternity leave (reduced from the previous position that required notice to be given 15 weeks before the expected week of childbirth (EWC)).

We will be sending out a new Paternity Leave policy over the next few weeks.

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Carer's Leave

On 6 April 2024, carer's leave will come into force. This will entitle an employee to apply for up to one week of unpaid carer's leave in any 12-month period. The key features include:

- An employee can make this request on Day 1 of their employment.
- The right applies to employees who have a dependent with a long-term care need and want to be absent from work to provide or arrange care for that dependant.
- Requests can be in consecutive or non-consecutive half-days or full days.
- Employees must give notice in writing of their intention to take carer's leave. They must confirm their entitlement to take it and give whichever is the longer of at least twice the amount of notice than the period of leave requested or three days' notice.
- Employers can postpone a request if the operation of the business would be unduly disrupted, an employer must consult with an employee about rescheduling the date. In these circumstances, the employer must give notice of the postponement before the leave was due to begin and explain why it's necessary. The employer will then allow the leave to be taken within one month of the start date of the leave originally requested.
- Employees are protected from detriment and dismissal because they take or seek to take carer's leave or the employer believes they are likely to do so.


There are two options with carers leave - you can either consider creating a new policy or add reference to carer's leave in your dependant's leave policy. If you have any questions, please let us know.

Stillbirth and Neonatal Loss Policy

You will be receiving a policy in the next few weeks and this policy intends on taking into account the changes due to come into force on 6 April 2024, extending redundancy protection during pregnancy and maternity leave.

The purpose of the policy is to set out the rights to leave and pay in relation to stillbirth and neonatal loss.

Please note that Neonatal Care Leave and Pay is not anticipated to come into force until April 2025.



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Protection from Redundancy

Under the current law, employees on maternity leave, shared parental leave or adoption leave already have special protection in a redundancy situation. But from 6 April 2024, this legislation extends the priority status to pregnant employees and those who have recently returned from maternity or adoption leave and shared parental leave.



For example, this would mean that you will need to consider your pregnant employees for suitable alternative roles before other employees. If you fail to do this, it could lead to possible sex discrimination claims and/or unfair dismissal claims.

Changes to Holiday Entitlement...again

For leave years beginning on or after 1 April 2024, there is a new accrual method for irregular hour workers and part-year workers in the first year of employment and beyond. Holiday entitlement for these workers will be calculated as 12.07% of actual hours worked in a pay period.

Yes, if you have noticed we have reverted to the previous way of calculating annual leave for irregular workers and part-year workers.

CHANGES EXPECTED FROM JULY 2024 ONWARDS

TIPS

It is anticipated that the Employment (Allocation of Tips) Act 2023, will come into force on 1 July 2024. The Act aims to change the way employers manage and allocate tips (including service charge payments).

The new rules provide that a business must:

- Allocate qualifying tips to workers in a fair and transparent manner.
- Pay qualifying tips to workers within one month of the end of the month in which they are received, subject only to authorised deductions.
- Have a written policy on allocating tips distributed and make this available to workers on request.
- Maintain records of all qualifying tips distributed and make this available to workers on request.



Qualifying tips are those received by the business which are then distributed to workers, or those received directly by workers but whose final distribution amongst the workforce is subject to the business's control or significant influence.



Tips received directly by workers and whose distribution amongst workers is not controlled or influence by the business, are not within the scope of the new rules.

Sexual Harassment at Work

The Worker Protection (Amendment of Equality Act 2010) Act 2023, will introduce a new duty for all employers to take reasonable steps to prevent harassment of their employees in the course of their employment.

If an employer breaches this duty, it could face:

- enforcement action by Equality and Human Rights Commission (EHRC); and/or
- potential uplift of 25% in compensation if a tribunal finds that an employee has been subject to sexual harassment and the employer failed to take reasonable steps to prevent harassment.

It is anticipated that the Act will come into force in October 2024 and guidance will be updated to reflect how an employer should deal with matters under the new duty.

Predictable Working Patterns

The Workers (Predictable Terms and Conditions) Act is expected to come into force in or around September 2024.

The purpose of the act is to allow worker's (casual/zero hour workers) who have an unpredictable working pattern i.e hours they work, times they work etc. They will be able to make a formal request to change their working pattern, to make it more predictable. ACAS, have published a draft statutory Code of Practice on handling requests for a predictable working pattern, which will accompany the Act.

We appreciate that there are a lot of changes coming into effect in April and later on this year. We will keep you updated with regard to any additional changes or updates as the year progresses and should you have any questions. Please do not hesitate to contact us.

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STATUTORY RATES 2024/25

Minimum Living Wage		
Age		From April 2024/25
21+		£11.44
18 – 20		£8.60
16 – 17		£6.40
Apprentices <i>(aged under 19 and or aged over 19 in first year of their apprenticeship)</i>		£6.40
Accommodation offset limit <i>(maximum daily deduction from NMW)</i>		£9.99
Compensation Limits and Awards		
		Maximum Award
Low Earnings Limit (per week)		£123
Limit on a week's pay		£700
Maximum Basic Award (Unfair Dismissal 'UD')		£21,000
Compensatory Award (UD)		£115,115*
Additional award 26 – 52 weeks' pay (refusal to re-engage)		£18,200 - £36,400
Maximum Redundancy Payment		£21,000
Refusal of the right to be accompanied		Up to 2 weeks' pay
Breach of Contract Claims in a Tribunal		£25,000
Failure to provide written particulars		Up to 4 weeks' pay
Statutory Guarantee Pay		£38 daily rate
Breach of flexible working regulations		8 weeks' pay (Limit on a week's pay)
Failure to inform or consult in respect of a redundancy		90 days' pay (gross)
Failure to inform or consult in respect of a business transfer		13 weeks' pay (gross)
<i>*£115,115 or 52 weeks' pay whichever is lower.</i>		

Leave Entitlements		
Right	Max. Period	Payment
Statutory Maternity Leave	52 weeks	See below
Statutory Maternity Pay (SMP)	33 weeks	£184.03 or 90% of normal weekly earnings, whichever is lower
SMP (Higher rate)	6 weeks	90% of normal weekly earnings
SMP (Basic Rate)	33 weeks	£184.03 per week (p/w)
Statutory Paternity Leave	1 or 2 weeks	See below
Statutory Paternity Pay (SPP)	1 or 2 weeks	£184.03 or 90% of normal weekly earnings, whichever is lower
Statutory Adoption Leave	52 weeks	See below
Statutory Adoption Pay ((SAP) Higher Rate)	6 weeks	90% of normal weekly earnings
SAP (Basic Rate)	33 weeks	£184.03 or 90% of normal weekly earnings, whichever is lower
Shared Parental Leave	52 weeks	See below
Shared Parental Pay (ShAPP)	39 weeks*	£184.03 or 90% of normal weekly earnings, whichever is lower
Statutory Parental Bereavement Leave	2 weeks	See below
Statutory Parental Bereavement Pay (SPBP)	2 weeks	£184.03 or 90% of normal weekly earnings, whichever is lower
Parental Leave**	18 weeks	Unpaid
<i>*is dependent on the leave which has been taken by their partner SMP/SAP</i>		
<i>**available to some working parents in addition to SMP, SPP, SAP and ShPP leave can be taken up until a child's 18th birthday.</i>		
Statutory Sick Pay		
SSP	28 weeks*	£116.75
<i>*Following four or more consecutive days absence</i>		