



# Employment Law changes for 2024

## Are you conversant with all the pending changes?

It is imperative that HR professionals and Operational Managers maintain an up to date understanding of the latest developments and changes to employment legislation.

This is seldom easy but Concrew Training's employment law update courses can help.

**Do you understand the ins and outs of the following?  
all of which are due to come into effect in 2024.**

### **The Workers (Predictable Terms and Conditions) Act**

Introduces a statutory right for eligible workers to request a more predictable working pattern

### **The Worker Protection Act**

Places a new duty on employers to take reasonable steps to prevent sexual harassment at work.

### **The Flexible Working Act**

Changes the statutory flexible working regime in various ways, including making the right to request flexible working a "day one right."

### **The Protection from Redundancy (Pregnancy and Family Leave) Act**

Extends the redundancy protections that currently apply to employees on maternity, adoption and shared parental leave to employees who are pregnant or who have recently returned to work from such leave.

### **The Carer's Leave Act**

Gives employees who have a dependant with a long-term care need a statutory right to one week's unpaid care leave per year.

### **Holiday entitlement and pay changes:**

Clarifies the record-keeping requirements under the Working Time Regulations 1998 (WTR) and restate certain principles relating to the elements of pay that must be included in 'normal remuneration' for holiday pay purposes, and workers' rights to carry-over holiday. The Government is also introducing a new annual leave accrual method of 12.07% of hours (based on FTE 28-day holiday entitlement – pro rata when FTE holiday exceeds 28 days) worked for irregular hours and part-year workers and allow employers to pay these workers 'rolled up' holiday pay provided certain conditions are met.

This new regime will be applicable in respect of holiday years beginning on or after 1 April 2024

Note that the Government's decision not to take forward its earlier proposal to remove the distinction between the four weeks of holiday that are derived from EU law and the additional 1.6 weeks of holiday that are granted by the WTR means that the issues created by the Supreme Court's ruling in *Chief Constable of the Police Service of Northern Ireland v Agnew* (that the default position is that all holiday entitlement forms a composite pot) are still very much live. Moving forward, employers therefore need to assess their levels of risk and may need to refine their approach to calculating holiday pay and/or dealing with the order in which holiday is taken.



## **TUPE Regulation Amendments**

Amendments to allow direct consultation with employees (rather than the current requirement for representatives to be elected if appropriate representatives are not in place already) in situations where either: the business has fewer than 50 employees; or the proposed transfer involves fewer than 10 employees.

## **Increased statutory pay rates**

The various rates of the national minimum wage will increase from 1 April 2024. Most people are aware of this but what about the National Living Wage (NLW) of £11.44 being extended to those aged 21 and above. What about the Real Living Wage rates and the London Living Wage rates?

## **Looking further ahead**

### **The Neonatal Care (Leave and Pay) Act**

Allow eligible employed parents whose newborn baby is admitted to neonatal care to take up to 12 weeks of paid leave. The exact timeframe for implementation of this legislation is not yet known, but the new leave and pay entitlements are not expected to come into force until April 2025 (to coincide with the start of a new tax year and give employers, payroll providers and HMRC time to prepare).

### **The Retained EU Law (Revocation and Reform) Act 2023.**

This legislation was anticipated to have a huge impact on employment law in the UK, as the original intention was that the Act would automatically “sunset” all EU derived laws on 31 December 2023, except for those that the Government had decided expressly to retain.

While the controversial “sunset” clause was removed during the parliamentary process, the Act does still have the potential to have a significant impact going forwards.

With effect from 31 December 2023, the Act ends the principle of supremacy of EU law and removes all directly effective EU rights. In addition, the Act gives government ministers new powers to reform EU derived laws and introduces a new reference process enabling a lower court – such as an employment tribunal – which is bound by EU case law to refer a point to the Court of Appeal or Supreme Court (which are not so bound) so they can decide if it should be overruled.

### **Statutory Code of Practice on “fire and rehire”**

The Government’s consultation on a draft Code of Practice on dismissal and re-engagement practices closed in April 2023. However, no timeline has been given for the consideration of consultation responses or publication of the final Code.

## **General Election**

The next General Election must take place by 28 January 2025, and many expect it to be held during 2024. If Labour win, the proposals in their “New Deal for Working People,” which they have committed to introducing via an Employment Rights Bill within their first 100 days of office, could have a significant impact on employers.