

A photograph of three business professionals (two men and one woman) sitting at a long table in a modern office or cafe at night. They are working on laptops and talking. The background shows a city skyline through large windows. The scene is dimly lit, with light from the laptops and the city lights outside.

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# Power Hour: Recent Developments

23rd May 2024

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# Agenda

- Redundancy Protection
- Monetary Changes
- Other Family Friendly Policies
- Further Changes
- Labour Proposals
- Case Law Updates

# Redundancy Protection

# Pregnancy

- Redundancy protection afforded to employees who are pregnant
- Responsibility to re-inform of pregnancy

# Maternity and Adoption Leave

- Protection for 18-months from the estimated date of childbirth / placement for adoption
- Opportunity to alter the estimated date of childbirth (maternity leave)

# Shared Parental Leave

- Protection for 18-months, provided SPL is taken for ***at least*** six continuous weeks
- Protection for the period of absence ***only*** where fewer than six consecutive weeks of leave are taken
- No protection where protection is afforded by maternity or adoption leave provisions

# Miscarriage

- Miscarriage before 24 weeks of pregnancy:
  - Protection for two-week period following date of miscarriage
- Miscarriage after 24 weeks of pregnancy:
  - Akin to still birth; maternity leave protection applies



# Case Study Example

- Company X is currently going through a restructure. As a result, there will be a reduction in headcount by 3
- There are currently 7 employees in the team
- Company X has 1 suitable alternative vacancy, meaning 2 employees will need to be made redundant
- The candidates are: -



# Case Study – The Candidates

- Bart who is currently on Shared Parental Leave
- Lisa who is pregnant but is not yet on Maternity Leave
- Maggie who is another employee

**Who should be given the suitable alternative position?**

# Monetary Changes

# National Minimum Wage

	Rate from April 2024	April 2023 to March 2024 Rate	Increase
National Living Wage	£11.44	£10.42	9.7%
21-22 Year Old Rate	£11.44	£10.18	12.3%
18-20 Year Old Rate	£8.60	£7.49	14.8%
16-17 Year Old Rate	£6.40	£5.28	21.2%
Apprentice Rate	£6.40	£5.28	21.2%
Accommodation Offset	£9.99	£9.10	9.8%

# Holiday Pay

- Removal of the Working Time (Coronavirus) (Amendment) Regulations 2020
- Holiday Pay Rates
- What is 'normal remuneration'?
- Introduction of rolled-up holiday pay

# Holiday Pay for Irregular Hours and Part-Year Workers

- Definition of Irregular Hours and Part-Year Workers
- Calculation of Statutory Holiday Entitlement
- Calculation of Accrued Leave

# Statutory Redundancy Pay

- Weekly pay increased from £643 to £700
- How to determine your weekly pay

# Other 'Family Friendly' Policies



# Paternity Leave

- Opportunity to take leave entitlement as two separate one-week blocks
- Leave to be taken within 52 weeks after childbirth / placement for adoption
- Reduced notice period (28 days)

# Caring for Dependents

- New statutory right to carer's leave
- One working week of unpaid leave in each 12-month rolling period
- Eligibility requests and refusing leave not permitted by employers
- Option to postpone request if business would be unduly disrupted

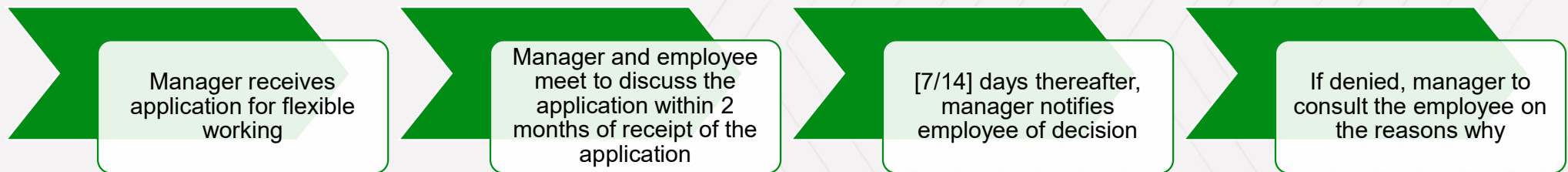
# Flexible Working

- Two flexible working requests within a 12-month period
- Requests can be made from the first day of employment
- No obligation to explain the impact of request
- Requests to be addressed within 2 months
- Obligation to consult where a request is denied

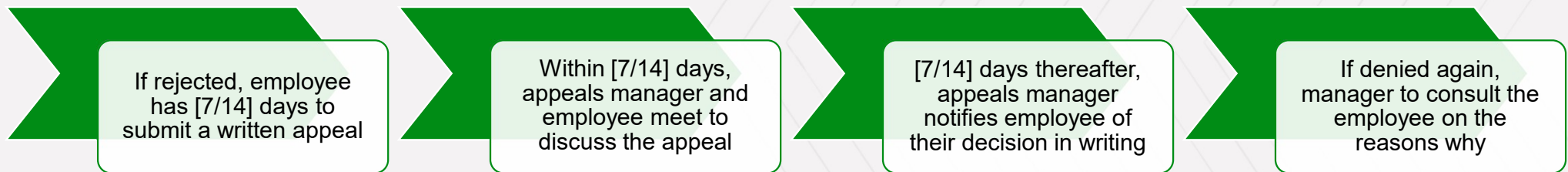
# Grounds for Refusal

1. Extra costs that will damage the business;
2. The work cannot be reorganised among other staff;
3. People cannot be recruited to do the work;
4. Flexible working will affect quality;
5. Flexible working will affect performance;
6. The business will not be able to meet customer demand;
7. There's a lack of work to do during the proposed working time; and
8. The business is planning changes to the workforce

# Flexible Working – How to Apply?



# Flexible Working – How to Appeal?



# Further Changes

Still to come in 2024...



# Fire and Rehire

- New Code of Practice expected in summer 2024
- Will give practical guidance to employers
- Fire and rehire as a 'last resort'

# Predictable Working Patterns

- The Workers (Predictable Terms and Conditions) Act 2023 expected to come into force in around September 2024
- Agency workers granted right where they meet certain criteria
- Workers may bring a claim for employer's failings

# New Law on Sexual Harassment

- Worker Protection Act 2023 expected in October 2024
- Employer to take reasonable steps to prevent sexual harassment in the workplace
- No definition of 'reasonable steps.'
- Significant step in the right direction

# Labour Proposals

What are they?

# Introduction

- Employment Bill
- 2021 Green Paper
- Leaked amended Green Paper

# What are Labour proposing?

- Unfair Dismissal a 'day one' right
- Time Limits and Compensation Caps
- Personal Liability for Directors for unpaid tribunal awards
- Third Party Harassment

# What are Labour proposing?

- Employment Status
- Right to Disconnect
- Pay Gap Reporting for disability and ethnicity



# Possible Timeframes

- An October election date?
- Employment Rights Bill
- Are Labour watering-down their commitments?

# Case Law Update

# Case Law Updates:

- ***McQueen v GMC 2023*** (disability discrimination - aggression was not 'something arising from')
- ***Lynskey v Direct Line Insurance Services Ltd 2023*** (disability discrimination - menopause and performance)
- ***Dobson v North Cumbria Integrated Care NHS Foundation Trust 2023*** (indirect sex discrimination - objective justification)
- ***Higgs 2023*** (belief discrimination - manifesting belief)

# Questions?

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# Thank You

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