



HR Law Tracker

Your guide to changing legislation and employment law updates from 2024 onwards and guide to taking action.

DATE	LEGAL AREA	WHAT'S CHANGED?	TAKING ACTION
FEBRUARY 2024	Illegal working penalties	<p>The increases to civil penalties for illegal working came into force on 13 February.</p> <p>The current civil penalty will rise from £15,000 per illegal worker for a first breach, to £45,000. The current maximum of £20,000 per illegal worker for repeat breaches will rise to £60,000 per illegal worker.</p>	Review your right to work check procedures.
APRIL 2024	Statutory paternity leave	Fathers/partners will be able to take leave as two one-week, non-consecutive blocks and will be able to take their leave at any point in the first year after birth/adoption. They will be able to vary their dates of leave by giving 28 days' notice. This will apply to babies whose expected week of birth/children whose expected date of placement for adoption is on or after 6 April 2024 .	We can review and update your paternity leave policy for a fixed fee.
	Flexible working	A day one right to request a flexible working pattern came in on 6 April . Coming in at the same time is a right to make two flexible working requests a year, and the time for an employer to come to a decision on a request will be reduced from three to two months.	Review your flexible working requirements.
	Carer's leave	An entitlement of one week's unpaid leave a year for employees who are providing or arranging care came in on 6 April .	Ensure this new right is included in your family friendly policies.

	Redundancy protection	The extension of existing protections came into force on 6 April . Redundancy protection will start when the employer is told about a pregnancy and protection will last for 18 months after the birth or placement of a child for those on maternity, adoption or shared parental leave.	Be aware of this extended protection when implementing redundancies.
JULY 2024	Statutory Code of Practice on Dismissal and Re-engagement	The Code came into force on 18 July. Employers will have to follow the Code when seeking to change employment terms and conditions if they envisage dismissal and re-engagement on the new terms. Please refer to the fire and rehire heading under the Employment Rights Bill below for details of the government's additional plans.	Be aware that it will be good practice to take the Code into account in these situations.
OCTOBER 2024	Sexual harassment in the workplace.	There will be a duty on employers from 26 October to take reasonable steps to prevent sexual harassment of their employees. Employment tribunals will have the power to uplift sexual harassment compensation by up to 25% where an employer is found to have breached the duty. Please refer to the sexual harassment heading under the Employment Rights Bill below for details of the government's additional plans.	Review your training and policies.
	Allocation of tips	Employers have a duty as of 1 October 2024 to ensure that all qualifying tips are allocated fairly and make payment in full no later than the end of the month following the month in which the tip was paid by the customer. Please refer to the hospitality workers and tips heading under the Employment Rights Bill below for details of the government's additional plans.	

2025 AND ONWARDS

Employment Rights Bill			
	Zero hours workers	The Bill provides that workers on zero hours contracts and workers with a "low" number of guaranteed hours, who regularly work more than these hours, will have the ability to move to guaranteed hours contracts which reflect the hours they regularly work over a	

		<p>fixed reference period. If more hours become regular over time, subsequent reference periods will provide workers with the opportunity to reflect this in their contracts. The government will consult on these measures.</p> <p>Those who are offered guaranteed hours will be able to remain on zero hours contracts if they wish to.</p>	
	Unfair dismissal	<p>The Bill gets rid of the two-year qualifying period to enable the right not to be unfairly dismissed to be in place from day one of employment. It allows employers to operate probationary periods during which employees can be dismissed more easily for performance. The government has committed to consulting on the length of the statutory probation period (it has expressed a preference for a 9-month period).</p> <p>In order to provide sufficient time for the consultation, and to allow employers to prepare and adapt, the unfair dismissal reforms won't be in any sooner than Autumn 2026.</p>	
	Parental, paternity and bereavement leave	<p>The Bill provides that day one rights will apply to employees taking paternity leave and unpaid parental leave. It also introduces a new right to unpaid bereavement leave for employees. This will be broader than the existing right which applies in the event of the death of a child or stillbirth. The details of the new right will be set out in regulations.</p>	
	Fire and re-hire	<p>The practice of fire and rehire is going to be restricted. The Bill provides remedies to stop the practice, while also providing that businesses can restructure to remain viable where there is genuinely no alternative. The government has committed to consulting on lifting the cap of the protective award if an employer is found not to have properly followed the collective redundancy process.</p>	
	Flexible working	<p>Flexible working will be the default from day one for all workers, but only where "practicable". In addition to the existing requirement that an employer can only</p>	

		<p>refuse a request on specified grounds, the refusal must also be reasonable. The detail of this new right will be developed in consultation.</p>	
	Strengthening maternity protections	<p>It will be unlawful to dismiss a woman for six months after her return to work except in specific circumstances.</p>	
	Sick pay	<p>The lower earnings limit will be removed to make statutory sick pay (SSP) available to all workers and the waiting period will be removed so that the right to SSP will become a day one right.</p>	
	Single enforcement body	<p>A single enforcement body for workers' rights will be put in place which will be known as the Fair Work Agency. It will have strong powers to inspect workplaces and act against exploitation, including discriminatory practices against migrant workers.</p>	
	Sectoral bargaining	<p>The Bill provides for the return of the School Support Staff Negotiating Body (SSNB) and the establishment of a new body – the Adult Social Care Negotiating Body (ASCNB).</p> <p>The ASCNB will have the power to negotiate terms and conditions and the pay of workers in the adult social care sector. The government has committed to launching a consultation to consider exactly how the Fair Pay Agreement (FPA) in the adult social care sector should work.</p>	
	Trade unions	<p>The Bill will repeal the Strikes (Minimum Service Levels) Act 2023 as well as various provisions of the Trade Union Act 2016.</p> <p>The Bill will simplify the union recognition process (the current requirement that 10% of those in the bargaining unit are trade union members can be reduced to 2% in the Bill, and there is also a power to remove the requirement for a 40% turnout to obtain recognition).</p>	

		<p>A new right of access will be brought in for union officials to meet, represent, recruit and organise members.</p> <p>The Bill also brings forward measures to protect workers from taking part in official and protected industrial action and blacklisting for trade union activity.</p> <p>Employers will need to provide workers with a written statement to inform them of their right to join a trade union.</p>	
	Sexual harassment in the workplace	The Bill provides for the duty on employers to take reasonable steps to prevent sexual harassment to be strengthened so that it extends to "all" reasonable steps. It also provides for the protection of employees from harassment by third parties. There is a power within the Bill for regulations to be made to specify what constitutes "reasonable steps".	
	Redundancy rights and collective consultation	Redundancy rights will be strengthened by ensuring that the right to collective consultation is determined by the number of people impacted across the business rather than in one workplace.	
	Gender pay and equality action plans	Under the Bill employers with 250 or more employees will have to develop, publish and implement equality action plans to close their gender pay gaps. Employers will also have to show how they are supporting employees going through the menopause in their equality action plans,	
	TUPE and the two-tier code for public sector contracts	The Bill provides for the reinstatement of the two-tier code for public sector contracts. This will provide that contractors will not be able to replace workers who have transferred across from public services with workers employed on less favourable terms and conditions.	
	Hospitality workers and tips	The Bill imposes additional obligations on an employer when it comes to its written policy about tip allocation. These include obligations to consult over the policy and to review it every three years.	

Equality (Race and Disability) Bill			
	Equal pay	Ethnic minority and disabled people will have the right to equal pay. The Bill will root out other racial inequalities.	
	Ethnicity and disability pay gaps	The publication of ethnicity and disability pay gaps will be made mandatory for employers with more than 250 staff.	
Plans under 'Next Steps to Make Work Pay'			
	AI	The government has committed to consulting on the use of workplace surveillance technologies as part of its longer-term employment plans.	
	Review of employment status	A single status of worker will be introduced and there will be a transition towards a simpler two-part framework for employment status.	
	TUPE	The government will launch a call for evidence "to holistically examine a wide range of issues relating to TUPE."	
	Carer's leave	Carer's leave will be reviewed and the benefits of introducing paid carers' leave will be examined.	
	Collective grievances	Employees will be able to raise collective grievances via Acas to ensure that "bad or illegal" practices won't be able to continue without being properly dealt with as a result of workers being unaware that others have experienced similar issues.	
	Health and safety	The government has committed to reviewing health and safety guidance and regulations with a view to modernising legislation and guidance.	
	Right to switch off	A "right to switch off" will be introduced via a Statutory Code of Practice.	
	Menopause	The government has committed to developing menopause guidance for	

		employers and guidance on health and wellbeing.	
	National minimum wage	The age bands will be removed and the minimum wage will be a real living wage and take the cost of living into account.	
	Unpaid internships	These will be banned except where they are part of an education or training course. The government has committed to launching a Call for Evidence by the end of 2024.	
	Procurement and employment rights	The government will ensure that social value is mandatory in contract design; will use public procurement to raise standards on employment rights; and will ensure that public bodies must carry out a quick and proportionate public interest test.	
	Parental leave	The government has committed to reviewing the parental leave system.	
	Socioeconomic duty	The government has committed to enacting the socioeconomic duty under the Equality Act 2010 as part of its employment reforms.	
	Terminal illness	The government has committed to encouraging employers and trade unions to support workers with a terminal illness through signing up to the Dying to Work Charter.	
	Extension to employment tribunal time limits	The time limit to bring a tribunal claim will be increased from three to six months.	