

iGlobal Law 2023 Annual Alert : United Kingdom

Legal Change	Effective Date	Action required
<p>The Retained EU Law (Revocation and Reform) Bill</p> <p>This Bill, which is yet to become law, aims to remove all EU-derived UK law by the end of 2023.</p> <p>Most EU laws have been retained, post-Brexit, under the European Union Withdrawal Act. However, this Bill will repeal all EU-based legislation in the UK at the end of 2023, unless it is specifically retained by Parliament. The Government also has the option to postpone the abolition of any EU-derived law, subject to a hard deadline of June 23rd 2026.</p> <p>This will also mean that the UK Courts cannot rely on EU case law.</p> <p>Please note that EU laws which have become UK legislation (such as the Equality Act 2010), will remain in force and unaffected. It is regulations (such as TUPE and the Working Time Regulations) that are at risk.</p>	<p>No date yet but anticipated in 2023. If it becomes law the current relevant date is December 31st 2023</p>	<p>If (or when) passed, this Bill will have a significant impact on employers and employees alike, as many key employment rights are set out in EU law.</p> <p>Employees and employers are therefore encouraged to keep an eye on this Bill's passage through Parliament and more importantly, what laws the UK decide to retain.</p>
<p>Employment Bill</p> <p>Announced back in 2019 this bill has experienced delay after delay.</p> <p>Publication was expected in 2022 and there appears to be a low chance that the Bill will be published in 2023. However, many key features of the anticipated Bill, may come into law by another route (see section below on Private Members Bills).</p> <p>It is expected that the Bill will make changes to labour market enforcement, protection of vulnerable workers, contract rights for variable and unpredictable hours workers. It is expected that the Bill will also create a single labour market enforcement body with an aim is to "significantly improve the Government's ability to protect vulnerable workers and ensure they receive their employment rights".</p>	<p>Publication date has not yet been announced</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>
<p>The Employment (Allocation of Tips) Bill (the "Tipping Bill")</p>	<p>Publication date has not yet been announced</p>	<p>If you are a business in the hospitality sector: review current tipping practices, records and policies in light of incoming changes. Otherwise, no action is needed</p>

<p>The Bill is set to overhaul tipping practices to ensure that all tips, gratuities and services charges are distributed fairly among staff, without deductions.</p> <p>Businesses must also have a written policy which sets out how they deal with tips.</p> <p>Employees will have a new right to request information about their employers' tipping record over the previous three years.</p> <p>The Bill also sets out that a new statutory code of practice will be developed. It is anticipated that the code will set out principles of fairness and transparency and it will provide advice on how tips should be distributed.</p>		
<p>Private Members Bills</p> <p>Many key features of the Employment Bill, have been separately tabled as private member bills (another way of progressing draft legislation) :</p> <p>1. Protection from Redundancy (Pregnancy and Family Leave) Bill</p> <p>Before making an employee on maternity, adoption or shared parental leave redundant, an employer must offer them a suitable alternative vacancy. The Bill will extend this protection to the moment when an employee tells their employer they are pregnant until 18 months after the birth.</p> <p>2. Neonatal Care (Leave and Pay) Bill</p> <p>Provides a day-one right for employees to take 12 weeks' leave where they are responsible for children receiving neonatal care (babies that are born before the 37th week of pregnancy or are sick). Employees with 26 weeks' service will also be entitled to statutory pay during this period, the amount of pay is expected to be in line with parental leave pay.</p> <p>3. Carers Leave Bill</p> <p>Employees that either arrange or provide care to family members or friends would be allowed one week of unpaid leave per year.</p> <p>This would be a day-one right and the leave is flexible as you can take five separate days off at any point in the year, rather than a mandatory one-week block.</p>	<p>Publication date has not yet been announced</p>	<p>Keep an eye on these Bills and review relevant policies as and when they progress through Parliament.</p>

4. Employment Relations (Flexible Working) Bill

Improvements to the right to request flexible working. Employees would be allowed to make two requests every 12 months. The Bill outlines that employers must consult the employee before rejecting a request. Employees will no longer have to explain what effect they think the flexible working would have on the employer in their request.