

## iGlobal Law 2024 Annual Alert : United Kingdom

Legal Change	Effective Date	Action required
<p><b>Changes to Equality Rules</b></p> <p>These regulations ensure that employees continue to have the same protections after the end of 2023, when EU law ceases to have effect, and to update the existing law.</p> <p>They include refining the definition of disability to consider a person's ability to engage in working life as a factor in assessing 'normal day-to-day activities'.</p> <p>The amendments extend the right to claim indirect discrimination by association, introducing a 'single source' test for equal pay comparators, extend direct discrimination protection to include statements about not wanting to recruit individuals with certain protected characteristics even where there is no identifiable victim, and explicitly include breastfeeding-related discrimination under the protected characteristic of sex.</p>	<p>January 1<sup>st</sup> 2024</p>	<p>Practically, this maintains the status quo, but employers should consider how these amendments may affect any policies and procedures that are in place.</p>
<p><b>Changes to Holiday Pay, Working time and TUPE rules</b></p> <p>The changes will permit employers to use rolled up holiday pay (which is an amount of holiday pay on top of a worker's normal hourly rate instead of paying holiday pay when a worker takes annual leave) for part-year workers and those with irregular working hours (at 12.07% of pay). Part-year and irregular hours workers will accrue leave at the same rate, up to a maximum of 28 days.</p> <p>In terms of working time, the changes include a definition of normal pay, which covers regular overtime and commission, and there is an obligation on employers to keep 'adequate' records of the hours worked by staff.</p> <p>For smaller scale TUPE transfers occurring on or after July 1<sup>st</sup> 2024, employers can consult directly with employees as part of their obligations to inform and consult, instead of allowing employees to elect an employee representative. This applies where there are no current employee representatives in place, and if the employer employs fewer than 50 employees or the transfer involves fewer than 10 employees.</p>	<p>January 1<sup>st</sup> 2024</p>	<p>All employers should:</p> <ul style="list-style-type: none"> <li>- Review holiday pay calculations generally and ensure that they comply with the definition of 'normal pay';</li> <li>- Review and update their practices on record keeping for working time, and ensure they are familiar with how to maintain 'adequate' records; and</li> <li>- Consider streamlining a TUPE consultation process where applicable.</li> </ul> <p>If the organisation has part-year or irregular hours workers: review and update policies and procedures relating to annual leave and pay.</p>

<p><b>Leave for Carers</b></p> <p>Employees that either arrange or provide care to family members or friends will be entitled to one week of unpaid leave per year.</p> <p>This would be a day-one right and the leave is flexible as an employee 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 but not before April 2024.</p>	<p>This aims to provide support from day one of employment, contributing to improved mental health and overall well-being for carers.</p> <p>Employers should consider putting their own policies in place to address the needs of unpaid carers, and train managers to deal with such leave requests.</p>
<p><b>Flexible Working rules</b></p> <p>New rules make improvements to the right of employees to request flexible working. Employees would be allowed to make two flexible working requests every 12 months, such as requests to work from home, job share, part-time work, alter work hours or term time work. There is no longer an obligation on the employee to explain what effect the proposed change has on the employer.</p> <p>Employers would be required to consult each employee before rejecting their flexible working request and need to reach a decision within two months.</p>	<p>July 2024</p>	<p>Employers should:</p> <ul style="list-style-type: none"> <li>- Take necessary steps to ensure policies and practices reflect the changing landscape;</li> <li>- Review flexible working policies and provide training for managers on how to handle requests; and</li> <li>- Plan communication strategies to inform staff of any changes.</li> </ul>
<p><b>Predictable Terms and Conditions rule changes</b></p> <p>This introduces a new right which allows workers to request a more predictable working pattern. This will affect workers with uncertain working patterns, those on fixed term contracts of 12 months or less, and agency workers. The changes will likely apply to workers who have been engaged for at least 26 weeks, although this does not have to be continuously.</p> <p>The worker's request must state the change they are applying for, and this must be dealt with by the employer in a 'reasonable manner'. The employer must notify the employee of the decision within one month.</p> <p>A Code of Practice is expected to become available, to address the handling of such requests.</p>	<p>September 18<sup>th</sup> 2024</p>	<p>It is essential for businesses to get ahead of the curve and to review the basis upon which they engage their workforce, as it is crucial that employers handle requests in a reasonable manner.</p> <p>Businesses which routinely rely on zero-hour contracts or casual workers will need to consider if they are likely to be able to accommodate these requests, and give their workers more certainty over their working patterns. Businesses should also consider if there are legitimate business reasons as to why this isn't practicable, such as seasonal peaks or covering absences.</p> <p>Employers should keep an eye out for the Code of Practice to ensure that they remain compliant.</p>
<p><b>Worker Protection from Sexual Harassment</b></p> <p>New rules will place a duty on all employers to take reasonable, proactive steps to prevent sexual harassment of their employees in the workplace.</p>	<p>October 24<sup>th</sup> 2024</p>	<p>Employers are advised to take proactive steps to ensure compliance.</p> <p>Relevant policies relating to harassment should be reviewed to ensure inclusion of the new rules and third-party harassment, and to support staff to speak up about</p>

<p>Employers breaching the new duty could be subject to enforcement action by the Equality and Human Rights Commission and/or an uplift of up to 25% in any compensation awarded by a Tribunal.</p>		<p>harassment. Employers should ensure that there is a register for reporting incidents of harassment, and establish clear reporting lines so employees can safely report incidents.</p> <p>Organisations will need to look at awareness within their workforce in relation to these policies, and training may be required for both managers and employees to promote awareness of the changes.</p> <p>Organisations should consider identifying harassment risks in respect of workplace roles and circumstances, for instance by carrying out assessments.</p>
<p><b>Neonatal Care - Leave &amp; Pay</b></p> <p>New rules will address the needs of parents and babies admitted to neonatal care by allowing parents up to 12 weeks of paid neonatal care leave beyond standard parental leave.</p>	<p>April 2025</p>	<p>Employers will need to include this new type of leave in family-friendly policies and procedures, so employers should start thinking about developing new policies or enhancing their existing ones.</p> <p>Employers should provide training to managers on how to deal with these sensitive situations delicately as they are almost always the first point of contact for the parent(s).</p>