

EMPLOYMENT UPDATE - MARCH 2024

Key upcoming changes

A number of changes relevant to employers and HR professionals will come into effect in April 2024.

Changes with effect from 6 April

Flexible working

Various changes will be coming into effect in April (legislation [here](#) and [here](#)), summarised in the table below, although we await confirmation that the [draft updated ACAS Code of Practice](#) has been approved.

Topic	Current	New
When a request can be made	26 weeks' service	Day one of employment
Requests per annum	One	Two
Employer response	Three months	Two months
Consultation with employee before rejection	No requirement at present	Employer will need to consult
Requirement on employee to explain effects of request	Yes e.g. how the effects could be dealt with	Requirement removed

Redundancy protection

- › **Current:** Those on maternity, adoption or shared parental leave have protections from redundancy i.e. priority for suitable alternative employment.
- › **New:** These protections will be extended to 18 months after birth. Legislation [here](#) and [here](#).

Paternity leave

- › **Current:** Can only take one or two weeks in one go within the first 56 days after birth.
- › **New:** Can be taken in two separate blocks of one week within 52 weeks after birth. Legislation [here](#).

Carer's leave

Carers of a person with long-term care needs will be entitled to take a week of unpaid leave each year. This new right will be available from day one of employment. Legislation [here](#) and [here](#).

Holiday pay for part year / irregular hours workers

- › **Current:** Should be calculated in line with *Harpur Trust v Brazel* (see our [update here](#) for more).
- › **New simpler approach:** For holiday years starting after 1 April 2024, calculated as 12.07% of hours worked at the end of the relevant pay period and can be paid on a 'rolled-up' basis (legislation [here](#)).

Further changes later in 2024

TUPE – smaller businesses/transfers

- › **Current:** Only employers with fewer than 10 employees can consult directly with employees (rather than through representatives).
- › **New:** For transfers on/after 1 July 2024 (unless employee representatives already in place), will apply to businesses with fewer than 50 employees or the transfer involves fewer than 10 employees (legislation available [here](#)).

Sexual harassment

- › **Current:** Employers may have a defence to a claim for harassment if they have taken "all reasonable steps".
- › **New:** From 26 October 2024, employers will have a positive duty to take proactive steps to prevent sexual harassment at work. See our [update here](#) for more (and legislation [here](#)).

Practical takeaways

- › **Review and update policies and processes** in line with the above changes and developments.
- › **Training:** Provide associated training to managers and HR (as appropriate).
- › **Communications:** Consider what updates and/or communications should go to employees about these changes. More generally, it is good practice to remind employees regularly of the benefits and support available to them e.g. counselling/wellbeing benefits, flexible working etc. It is also good practice to ensure that policies and information on benefits are easily accessible and transparent.

If you would like any further advice or assistance on these developments, please contact us.

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Changes to various statutory rates

Statutory rate	Overview	Current	April 2024	Date	Link
National Living Wage	It's important to be aware that the National Living Wage will become the <u>statutory minimum wage</u> for workers aged 21 and over (it was previously 23+).	£10.42	£11.44	1 April	Gov.uk
Basic award	An employment tribunal can award a so-called 'basic' award for a successful unfair dismissal claim, as well as in redundancy cases. The basic award is calculated by reference to a week's pay.	£634 / week	£700 / week	6 April	The Employment Rights (Increase of Limits) Order 2024
Compensatory award	In addition to the basic award, the Employment Tribunal can, in addition, award a compensatory award (up to the statutory cap).	£10,707	£115,115	6 April	ss. 124(1) and (1ZA) Employment Rights Act 1996, as increased by The Employment Rights (Increase of Limits) Order 2024
Statutory sick pay	Increased in line with inflation.	£109.40 / week	£116.75 / week	6 April	Gov.uk
Statutory maternity pay	Increased in line with inflation.	£172.48 / week	£184.03 / week	7 April	Gov.uk
'Vento' bands	We await confirmation on changes to the so-called 'Vento' bands (named after the Court of Appeal case which defined them) which are used by the Employment Tribunal to calculate compensation for injury to feelings following a successful discrimination claim.	Lower band: £1,100 to £11,200 Middle band: £11,200 to £33,700 Upper band: £33,700 to £56,200 Exceptional cases may exceed £56,200.	TBC	TBC April	

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