



How employers can keep on top of new legislation

Employment Law Update 1: Carer's Leave

Here's what you need to know:

- The Carer's Leave Regulations 2024 introduce an employee's right to 5 days unpaid statutory leave per year for unpaid carers.
- It can be taken in whole days, half days or blocks of time.
- An employee is required to give notice of leave twice the length of the time to be taken.
- An employer cannot reject or refuse unpaid leave for carers - however, they can postpone the leave to a later date if certain conditions are met.

Here's what you need to do:

- Employers will need to add new policies to their staff handbooks or update existing leave policies.
- Consider if you will be offering any enhanced carer's pay for this leave.

Employment Law Update 2: Enhanced Redundancy Protection

Here's what you need to know:

- The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 has been extended to enhance redundancy protection for pregnant employees and those returning from family leave.
- For pregnant employees, from the point they inform the employer that they are pregnant.
- For employees returning from maternity leave, adoption leave or shared parental leave, until 18 months after the expected week of childbirth, date of the child's birth, or date of the adoption placement.
- During the protected period, employees have the right to be offered suitable alternative employment in a redundancy situation.

April 2024 sees the introduction of a shower of new employment law alongside the usual reporting requirements and upticks in statutory rates of pay.

In this April newsletter my aim is to share experiences along with best practice HR advice. I also tackle the most popular HR questions on TUPE and redundancy.



You can also request an initial free 30-minute consultation to see if I can help you.

Please contact me using any of the methods listed below. I would love to hear from you!

hr2go Consultancy is here to support you with any of your HR issues or concerns

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Employment Law Update 2 continued...

Here's what you need to do:

- Ensure protection is given to employees on maternity, shared parental or adoption leave, in that they have a right to be offered a suitable alternative role, if one is available, before they are made redundant and must be preferred for the role.
- Understand the timescales of the protected period if entering any restructuring or redundancy process.
- Employers need to ensure any redundancy policies or staff handbooks, are updated to reflect the statutory changes.

Employment Law Update 3: Flexible Working

Here's what you need to know:

- Employment Relations (Flexible Working) Act will improve current flexible working rights.
- Allows employees to make two formal flexible working requests in a 12-month period.
- The right to make a flexible working application also becomes a day one right on 6 April 2024.
- Employers will need to consult with employees before rejecting any such applications and will have only two months to consider and decide the outcome.
- The eight statutory grounds for rejecting a flexible working request remain unchanged.

Here's what you need to do:

- Understand the timescales for employees making a request under the new regulations.

- Ensure consultation takes place with employees.
- Employers need to ensure any flexible working policies or staff handbooks, are updated to reflect the statutory changes.

All of these changes came into force on the 6th April 2024.

My advice to employers and employees

The requirement for flexibility at work is a massive consideration for employees. Non-monetary benefits the organisation offers can act as the deciding factor when applying for or accepting jobs.

Whilst the right to make a flexible working application becomes a day one right from 6th April, I would urge anyone applying or looking to accept a role to have that conversation with their potential new employer.

For too long there has been a fear of requesting flexibility at work in case it jeopardises the chance of getting that new job or the promotion employees want, but many employers are open to different working patterns.

They understand that to attract and retain talent and remain an employer of choice, they need to open their eyes to the needs of their demographic workforce.

This doesn't mean saying yes to every application but having open and honest discussions and a reasonable approach about what flexibility at work means for your employees and your business.



Your top HR questions answered!

Does the duty to inform and consult employees prior to a TUPE transfer apply to small businesses?

Yes, the duty to inform and consult prior to a TUPE transfer applies to all employers, regardless of size. However, micro-businesses (those with fewer than 10 employees) are exempt from the requirement to hold elections for employee representatives where there is no recognised union or existing appropriate representatives. They can inform and consult directly with the affected employees.

For transfers that take place on or after 1 July 2024, the exemption from the requirement to hold elections also applies to organisations with fewer than 50 employees (i.e. small businesses) and for organisations of any size, if fewer than 10 employees are to transfer. The employer can inform and consult directly with affected employees in these circumstances, where there is no recognised union or existing appropriate representatives.

Is an employee who is caring for more than one dependant entitled to two lots of carer's leave?

No, the amount of carer's leave is determined per employee, not per dependant. This means that an employee who is caring for more than one dependant (such as a disabled child and an elderly parent) is still entitled only to one week's carer's leave within any 12-month period. The statutory right to carer's leave is in force from 6 April 2024.

Do employers have to pay employees while they are on statutory carer's leave?

No, carer's leave is unpaid. This means that sums payable by way of wages or salary cease during an employee's carer's leave. However, all other terms and conditions of employment should remain in place, including the accrual of annual leave. There is nothing to stop employers from enhancing carer's leave, for example by continuing to pay employees their normal wages or salary. Paid carer's leave can be a valuable tool for employers that are seeking to support carers within their workforce.

In a redundancy situation, what obligations does an employer have with regard to offering suitable alternative employment?

It is important as part of a fair and reasonable redundancy procedure for an employer to consider whether it, or any associated employer, has any vacancies that would be suitable for employees who would otherwise be made redundant. There is no obligation on the employer to create new jobs for redundant employees, but failure to offer any available suitable alternative employment may make a dismissal by reason of redundancy unfair.

Where an employee's contract is renewed, or they are re-engaged under a new contract in pursuance of an offer made before the end of the employment under the previous contract, and the renewal or re-engagement takes effect either immediately on, or within four weeks of, the end of the previous employment, there will be no redundancy dismissal.

In addition to the requirement to consider alternative employment as part of a fair redundancy procedure, employers must comply with the separate duty to offer any suitable alternative vacancy to an employee who is on maternity leave, adoption leave or shared parental leave when the redundancy occurs. This duty applies also in relation to pregnant employees and employees on their return from family leave.

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