



April 2024 –
Employment Law
changes that will
affect your business





It is inevitable that in the build up to a General Election a number of voter preferential changes in policy come into force. This year is no different, where a number of family friendly laws are set to impact significantly on HR practice in every workplace.

The reforms are intended to modernise working practices to ensure employees have the protection and rights to maintain their careers while affording time to change their working patterns or care for their nearest and dearest. How will this work in practice for managers who need to balance business objectives against workforce expectations?

Here's a look at the changes coming into force either from the 6th April, or in October this year, comparing the impact the new rights have on current business practice.

1. Greater protection where redundancy happens during pregnancy or on maternity, adoption or shared parental leave.

Where redundancy needs to be considered, prior to the 6th April 2024, employers are obliged to offer suitable employment opportunities to anyone pregnant or on maternity, adoption or shared parental leave as priority over anyone else. This ends when they return to work.

Now, anyone returning to work on or after the 6th April 2024 will have this right extended for up to 18 months.

- This protection applies to pregnant employees from the time they tell their employer of their pregnancy up to when they start maternity leave; should they be entitled to it. If she suffers a miscarriage before the end of the 24th week of pregnancy, the protection period extends for two full weeks from the date of the miscarriage. If the miscarriage happens after week 24 of pregnancy then the employee may be entitled to full maternity leave.





- The additional protected period covers and extends past the end of maternity leave for 18 months from the expected week of childbirth; so if the employee takes 12 months of maternity leave, the protected period for redundancy consideration extends for another 6 months.
- Adoption leave protection extends for 18 months from the date of the child's placement.
- For shared parental leave the extension only applies if the employee takes at least 6 weeks of leave to benefit for this 18 month protected right when it comes to redundancy's at their employer.

Employers have been expected to afford this protected right to employees while pregnant or on maternity, adoption or shared parental leave for some years. From the 6th April 2024 these rights shall typically extends for 6-12 months, depending when they return from their leave. Failure to offer suitable alternative employment risks claims for discrimination and automatically unfair dismissal.

2. New leave rights and protection for Carers.

There are currently no rights afforded to carers who need to take time to provide or arrange care for a dependent. From the 6th April 2024 carers leave affords one week of unpaid leave per year from the first day of their employment.

A dependent is anyone who relies upon a person for long term care, under the definition of disability within the 2010 Equality Act, which is 'someone who has a physical or mental impairment that has a substantial and long term effect of their ability to do normal day to day activities'. The Dependent does not need to be a relative.





Requests can be in consecutive or non-consecutive blocks of full or half days, including a full week at any one time. The leave of one week, or part of this, in any 12 month rolling period. During any period of leave an employee retains all continuing employment rights such as holiday pay and service, but will not be entitled to any pay.

These are new statutory rights for carers, so failure to afford the leave or treat the employee less favourable could be automatically unfair, if a claim is made. That means considering carers leave separately to sick leave, when it comes to attendance management.



3. Flexible working requests will be 'day one' rights from the 6th April 2024.

This change will have the biggest impact for employers. Since furlough leave disappeared the amount of flexible working requests have gone through the roof as employees put a life balancing value on variable or reduced hours coupled with home or hybrid working. It's not just people returning from maternity or adoption leave looking for a new balance between home, family and work. Requests across all the workforce are becoming much more prevalent, and these changes will encourage even more requests.

- It important to note that the changes effect the rights to request flexible work, not the right to give flexible working. Employers can still turn down requests.
- As mentioned, all employees will be entitled to make a request without the need to have any continuity of service. It will be a day one right.
- Two applications can be made in any 12-month period.
- Requests must be responded to within two months.
- Employees no longer need to explain why they what to work differently.
- Employers must be fully engaged in the process. Employers need to consult with the employee making the request to fully understand their expectations, explore the impact with colleagues and other departments. If the request can't be accommodated then the reasons must be openly disclosed. Consider a compromise that may work for everyone.



From October 2024 there will be a duty on employers to take “reasonable steps” to prevent sexual harassment of their employees in the course of their employment. This means that employers will have a new, proactive duty to prevent sexual harassment in the workplace and place greater responsibility on them to make workplaces safer for all staff.

Where an employment tribunal considers that an employer has failed to take “reasonable steps” and so breached this new duty it will have the power to uplift compensation by up to 25%.

Increases in statutory pay levels take effect from the 6th April 2024.

Our next Ask Andrew webinar for September 2024 will include.

- Requirement to take positive steps to prevent sexual harassment at work
- Paid neonatal care.
- ‘Fire and re-hire’ changes, following the P&O Ferries case.
- Rights for workers with irregular hours to have move certainty.

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