

March 2024

Employment legislation changes in 2024 – what charity leaders need to know

A summary of employment law developments changing the employment landscape this year and what they mean for employers in the charities and third sector

This year brings a number of developments to employment law, some of which took effect in January and others are forthcoming. All of the changes will impact charities and we explain them below as well as suggesting actions that third sector organisations should consider to ensure current contracts, practices, and procedures are compliant.

1 January 2024

Holiday entitlement and pay

Already, we have seen new laws take effect and government guidance published on the use of rolled up holiday pay and how to calculate holiday entitlement for part year (e.g. term time) and irregular hours workers (e.g. those whose hours fluctuate from week to week). These changes will apply to holiday years beginning on or after 1 April 2024.

The changes also give effect to some principles from current EU case law regarding the carry-over of holiday entitlement into the next holiday year if it can't be taken due to family leave or sick leave. It also confirms that the first 4 weeks of holiday pay for workers should be based on their "normal remuneration" and include elements such as regular overtime, commission and other work-related allowances.

TUPE transfers – requirement to elect employee representatives

For any transfers scheduled to take place on or after 1 July 2024, where the employer has fewer than 50 employees or, where the transfer involves fewer than 10 employees transferring, employers will have the option of informing and consulting with the transferring staff directly rather than via employee representatives (if no existing representatives such as a recognised Trade Union are in place).

8 March 2024

Paternity leave changes

Regulations have been laid before Parliament this month to provide greater flexibility in how the entitlement to two weeks' paternity leave for fathers/partners is taken.

Currently, leave has to be taken in a continuous block of one or two weeks but, where the expected week of childbirth (or date of placement in adoption cases) is after 6 April, there will be the option of taking the leave as two non-consecutive blocks.



There will also be the opportunity to take the leave any time within the first year after birth or placement rather than being constrained to it being taken in the first eight weeks as is currently the case.

1 April 2024

National Minimum Wage increases

April sees the latest increase to the National Minimum Wage and some important changes for employers to be aware of. The rate of the National Living Wage increases by £1.02 per hour to £11.44 and significantly, that rate now applies to all workers aged 21 and over. Previously the National Living Wage rate applied to workers aged 23 and over.

There are also increases of £1+ per hour to the Apprentice and Young Worker rates (up to £6.40) and the Development rate for 18-20 year olds (up to £8.60).

The increases are good news for employees in minimum wage level roles struggling with the cost of living but will see significant cost increases for employers who pay at minimum wage levels.

We will shortly be issuing an update with full details of the annual increases to other statutory payments and compensation limits.

6 April 2024

Flexible working changes

The right to make a flexible working request will become a day one right from 6 April removing the previous requirement for an employee to have 26 weeks' service. Employees will also have the right to make two requests in any 12-month period rather than one.

The timescales for employers considering the requests will decrease from 3 months to 2 and employees no longer have to explain the impact their request will have – that duty will fall on the employer.

Employers will still be entitled to refuse a flexible working request by relying on one or more of the seven possible business reasons provided for in the Regulations.

Carer's leave

A new statutory right is being introduced which allow carer's the right to one week's unpaid carer's leave a year. Employees who are providing or arranging care for a dependent with a long-term care need. The leave can be taken in either individual days or half days up to a block of one week.

Family-friendly protection from redundancy

Currently, parents on maternity, adoption or shared parental leave are entitled to be given priority over any suitable alternative vacancies that might exist if they are selected for redundancy.

This protection is being extended so that pregnant employees will enjoy the same right from the point they inform their employer of their pregnancy.



In addition, those on family leave will enjoy an extended right so that it applies for 18 months from, in the case of maternity leave, the expected week of childbirth or date of birth if notified or, in the case of other leave, the date of birth or date of placement.

May 2024

Tips and gratuities

The Employment (Allocation of Tips) Act 2023 is expected to be brought into force in May 2024, with the specific date to be confirmed by the Secretary of State. The purpose of this legislation is to ensure that all tips are passed on to workers without deductions.

Accordingly, employers will have a duty to ensure that all qualifying tips (that is, all employer-received tips, including those paid via a credit/debit card, and certain worker-received tips – i.e. where the employer receives and/or exercises control or significant influence over the distribution of tips) are "allocated fairly" to workers (including agency workers) and make payment in full no later than the end of the month following the month in which the qualifying tip was paid by the customer.

Alternatively, if it is fair to do so, the employer may pay the tips over to an "independent tronc operator" who will allocate them to workers.

The Department for Business and Trade (DBT) issued a consultation on the draft statutory Code of Practice that will support the measures set out in the legislation. The consultation closed on 22 February but further details on the consultation can still be found here: [Distributing tips fairly: draft statutory code of practice - GOV.UK \(www.gov.uk\)](#).

September 2024

The right to request more predictable terms and conditions of work

The right for workers and agency workers to request more predictable terms and conditions of work, where there is a lack of predictability to their work pattern, is expected to come into force in September 2024.

Workers will have the right to make two applications in a 12-month period and applications may be rejected by employers on one or more of the statutory grounds, similar to those (business reasons) contained in the Flexible Working legislation.

However, a minimum service requirement of 26 weeks is expected to be required to access the right to request predictable terms.

Acas have produced a draft statutory Code of Practice on the procedure for handling requests for a predictable working pattern, which will be used once the legislation comes into force. Further information on the draft Code can be found here: [Code of Practice on handling requests for a predictable working pattern \(draft\) | Acas](#).

October 2024

Prevention of sexual harassment

The Worker Protection (Amendment of Equality Act 2010) Act 2023 is expected to come into force in October 2024 placing a duty on employers to take reasonable steps to prevent sexual harassment of their employees.

Reasonable steps to prevent sexual harassment could include:

1. Having an effective anti-harassment policy that clearly sets out:
 - what conduct is unacceptable,
 - the employer's zero-tolerance approach to such conduct, how employees can report inappropriate conduct,
 - the process that will be followed; and
 - the support available for victims of harassment and those who report it.
2. Providing anti-harassment training for all employees, from induction onwards, and specific training for managers in how to deal with complaints of harassment.

Beyond 2024

April 2025 - Neonatal care leave and pay

The Neonatal Care (Leave and Pay) Act 2023 providing a new statutory right to paid time off for parents where their baby needs, is expected to come into force in April 2025.

Statutory neonatal care leave (expected to be capped at 12 weeks) and pay (expected to be at the statutory prescribed rate or, if lower, 90% of the employee's average weekly earnings) will be for employees with a parental or other personal relationship with children receiving neonatal care.

Comment

Daniel Gorry, Director in our Employment Law team comments:

“Advice will need to be taken by employers on how to deal with these changes in practice as they and their employees try to become accustomed to the new rules.

“It would be prudent for employers to:

- Consider implementing a policy on anti-harassment and identify any staff and/or management training needs on what constitutes sexual harassment, how to detect issues, deal with complaints and support staff. If a sexual harassment claim is successful, a breach by the employer of their duty to take reasonable steps to prevent sexual harassment could result in an uplift in compensation by up to 25%.
- Produce a policy to assist staff in requesting predictable terms and prepare managers to deal with such requests (once the Acas Code has been confirmed). Employees who are dismissed or subjected to a detriment because they made such a request are protected, regardless of length of service.



- Look at current practices for distributing tips (where applicable) and set out clear guidelines and expectations to staff and managers. If an employer has failed to fairly allocate and pay tips in the required timescales, a worker will be able to present a complaint to the employment tribunal up to 12 months from the date of the failure to comply.”

Contact a member of our Employment team if you would like any more information or to discuss how these changes will impact your business.

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