

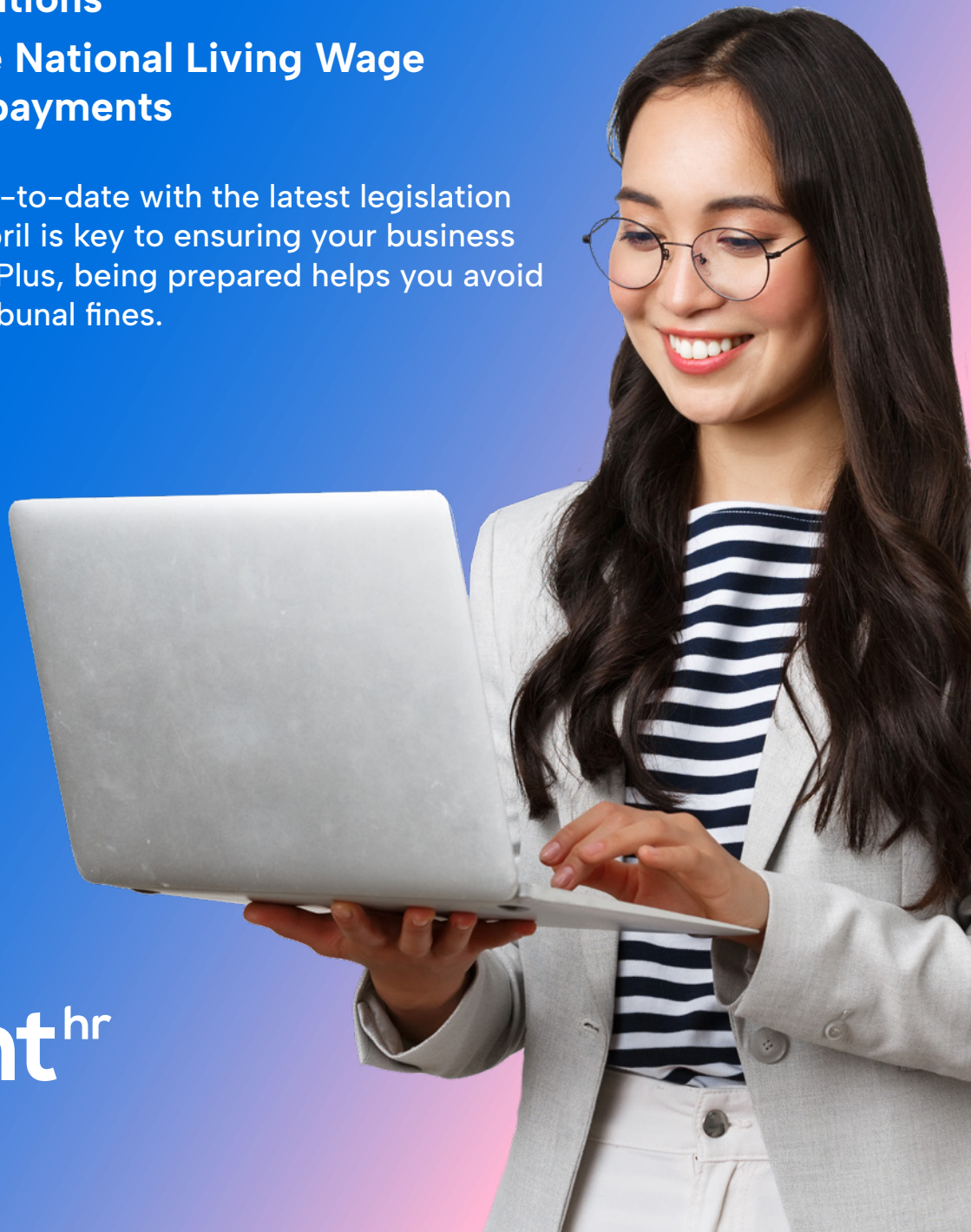
Employment law update

What's changing in April: a guide for employers

1. Flexible working requests
2. Paternity leave
3. More protection against redundancy
4. Carer's leave
5. Holiday calculations
6. Increase to the National Living Wage and statutory payments

Making sure you're up-to-date with the latest legislation changes coming in April is key to ensuring your business is in line with the law. Plus, being prepared helps you avoid costly employment tribunal fines.

 **bright**^{hr}



1. Changes to flexible working requests

When: 6 April 2024

What's changing?

The Flexible Working (Amendments) Regulations 2023 mean employees will have the right to request flexible working arrangements from day one of employment. And that's not all... the Employment Relations (Flexible Working) Act 2023 will allow employees to make more than one request per year. Employers will have to be more speedy in dealing with those requests too.

Breakdown of the new law

- Employees can request flexible working from **day one**.
- Employers must **consult** with employees before rejecting requests.
- Employees no longer need to **explain what impact**, if any, the change will have on the employers or the business.
- Employees can make **two** flexible working requests in any 12-month period.
- Employers must respond to a request made within **two months**.



Key impacts for you

As attitudes towards flexible working continue to shift, you must prioritise getting your approach right.

With the rise of hybrid working models and the competitive advantage that flexible working offers, it's important to take the necessary steps to ensure your policies and practices reflect the changing landscape.

To prepare for this change, you should review your flexible working policies and provide training for managers on how to handle requests. You should also plan communication strategies to inform staff of any changes.

How BrightHR can help

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What is a flexible working request?

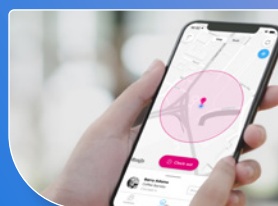
Ask →

What is the process for managing a flexible working request?

Ask →

Who manages the process for flexible working requests?

Ask →

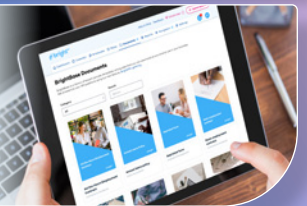


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2. Changes to paternity leave entitlements

When: 6 April 2024

What's changing?

Under the Paternity Leave (Amendment) Regulations 2024, the paternity leave system will be more flexible for new fathers and those with responsibility for the upbringing of the child, including civil partners, or partners of the child's mother.

Breakdown of the new law

- Paternity leave will be able to be taken as **two consecutive weeks** or **two separate blocks of one week of leave**.
- Those eligible for paternity leave will have **52 weeks** from birth (or placement for adoption) to take the leave, rather than the current eight.
- The notice of entitlement should be given on or before the **15th week** before expected week of birth.
- **Four weeks' notice** will be required to take each period of leave (except cases of domestic adoption where notice is seven days).
- Employees may give **28 days' notice** to vary the date of their planned leave if desired.

- These new rules apply when the expected week of childbirth is **after 6 April**, or the date of placement is on or **after 6 April** for adoptions.
- Paternity leave pay is also increasing from £172.48 to **£184.03** with effect from **7 April 2024**.

Key impacts for you

Refusal of eligible employees' paternity leave is unlawful, so you must be prepared to manage instances where new fathers or those who are eligible are off work.

You will need to update your current paternity leave policy and ensure that payments are made correctly.

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Who gets paternity leave?

Ask →

Do I have to give paternity pay?

Ask →

Can I refuse paternity leave?

Ask →

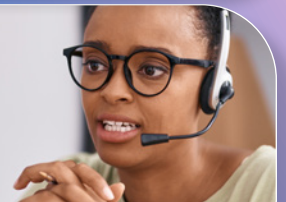


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3. More protection against redundancy during pregnancy, maternity, adoption, and shared parental leave

When: 6 April 2024

What's changing?

Under the Protection from Redundancy (Pregnancy and Family Leave) Act 2023, pregnant employees will have the right to be offered a suitable alternative vacancy where one exists, in a redundancy, above all other employees.

The new Act will also extend the protection to employees who are on maternity, adoption or shared parental leave.

Breakdown of the new law

- Pregnant employees and those returning from maternity, adoption, and shared parental leave will get **extra protections against redundancy**.
- The redundancy protection period is extended until **18 months after the birth of a child** for employees returning from family-friendly leave.



Key impacts for you

You must make sure that your redundancy policies and procedures provide protection for those on maternity, adoption, or shared parental leave, giving them the right to be offered any suitable alternative job role during the redundancy process.

The change means that employees who are pregnant or have recently returned from family-friendly leave are now entitled to an extended redundancy protection period of around two years, up from one year.

So, you will need to consider this extended redundancy protection period, because more employees than before will be given priority for any suitable alternative vacancy.

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Do I have to do a redundancy process differently for pregnant employees?

Ask →

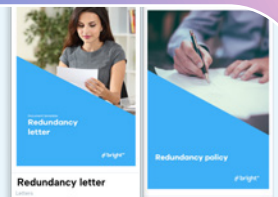
What is redundancy?

Ask →

What's the redundancy process?

Ask →

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> **Redundancy navigator tool**

Essential redundancy resources



Redundancy Management

View furloughed employees

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Redundancy Navigator for complete redundancy guidance on a fair and legal process

> **Articles**
Statutory redundancy guide



4. New carer's leave entitlement

When: 6 April 2024

What's changing?

For those who care for people with long-term illness or disability, the Carer's Leave Act 2023 will provide the right to one week's unpaid leave per year.

Breakdown of the new law

- Employees will have this right from **day one** and take up to one week of unpaid leave per year.
- Employees can take their full entitlement of a week in one go, or at different periods as long as they take at least **half their working day each time**.
- You **may be able to postpone** a period of carer's leave.
- Employees can use this leave to care for a dependant that needs **long-term care**.
- Long-term care needs are defined as an illness or injury that lasts longer than three months, has a **disability covered in the Equality Act 2010**, or due to old age.



Key impacts for you

You will need to make sure you either update your current time off work policy or create a stand-alone carer's leave policy to prepare for this new law coming into effect.

Once you have done so, remember to inform your employees of the new right and the logistics of requesting and taking it.

It's best practice to have a system of record-keeping to track the number of days taken and you may also want to create a self-certification form for employees to complete to declare they meet the criteria under the Act.

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What is carer's leave?

Ask →

What is the eligibility criteria for carer's leave?

Ask →

What does long-term care mean for carer's leave?

Ask →

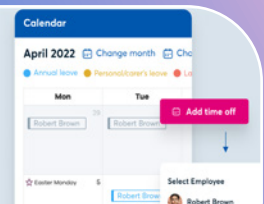


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5. Changes to holiday calculations

When: For leave years on or after 1 April 2024

What's changing?

There's going to be a new method in place to calculate holiday entitlement for irregular hours workers and part-year workers, for leave years starting on or after 1 April 2024. Rolled up holiday pay will be lawful again.

Breakdown of the new law

- The law on working out holiday entitlement and pay for irregular hours workers and part-year staff will change.
- The new rules only apply from the start of the first new leave year on or after **1 April 2024**.
- There are two methods available: the **default** method or **rolled up holiday** method.
- If you have a leave year running from January to December, the new rules will apply from **January 2025**.



Key impacts for you

If you have irregular hours workers' or part-year staff, from the date the new rules apply to you, holiday will accrue, on the last day of the pay period, at the rate of 12.07% of hours worked in that pay period. You will then be able to choose from the two methods available for their holiday pay: the default method or the rolled up holiday method.

The default method means that when they take their holiday, you will pay them holiday pay based on their average earnings over the previous 52 weeks. The rolled up holiday pay method means that you will pay the worker an extra 12.07% on top of their usual pay in each pay packet. This will represent their holiday pay and you will not then pay them when they actually take holiday.

If the new rules are different to what you are already doing, this will be a change to your employee's terms and conditions and their contract of employment. But this will need to be agreed with staff before going ahead.

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How is rolled up holiday pay calculated?

Ask →

My employee only works term-time, how much holiday do they get?

Ask →

Do zero-hours staff accrue annual leave?

Ask →



- ☀ Leave
- 🩹 Sickness
- 🕒 In lieu
- 📅 Other

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6. Increase to the National Living Wage and statutory payments

When: 1, 6, and 7 April 2024

What's changing?

As is usual every April, statutory payments will rise, affecting all employers.



Breakdown of the new law

- The threshold for National Living Wage will be lowered to **include 21-year-olds**.
- The new National Living Wage rate will be **£11.44 per hour**; **£8.60** for those aged 18 – 20; **£6.40** for those over school age but not yet 18, and apprentice rate.
- Payments for Statutory Sick Pay will increase from £109.40 to **£116.75** per week from **6 April 2024**.
- Payments for Statutory Maternity Pay, Statutory Paternity Pay, Statutory Shared Parental Pay, Statutory Adoption Pay, and Statutory Bereavement Pay all increase from £172.48 to **£184.03** per week from **7 April 2024**.

Key impacts for you

The National Living Wage increases previously applied to those 23 years and older, However, these changes mean more of your staff, from the age of 21, will be entitled to the higher pay rate. That means your payroll needs to be updated or you'll run the risk of breaching minimum wage regulations.

Similarly with the increase statutory rates, failure to pay the correct rates could result in hefty fines and tribunal claims, so you'll need to update your policies and payroll.

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What is statutory pay?

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When does statutory sick pay stop?

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Is the National Living Wage legally required?

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The laws on the horizon

Keep an eye out for these laws that are set to impact your business later this year

Employment Law (Allocation of Tips) Act 2023

It is expected that, in **July 2024**, it will become unlawful for employers to keep any tips paid by customers. Affected employers must have a policy setting out how they allocate tips fairly in line with a new statutory code of practice.

Pensions (Extension of Automatic Enrolment) (No. 2) Act 2023

Pension auto-enrolment rules will apply to those aged under 22 and the lower earnings threshold will be removed.

The Workers (Predictable Terms and Conditions) Act 2023

Workers will have the right to request a more stable and predictable contract after completing 26 weeks of service. This is expected **Autumn 2024**.

Worker Protection (Amendment of Equality Act 2010) Act

Employers will have a proactive duty to take reasonable steps to prevent sexual harassment. Additionally, tribunals will be able to increase compensation for sexual harassment by 25%. This is expected in **October 2024**.

Neonatal Care (Leave and Pay) Act 2023

Parents of babies who are admitted to hospital before 28 days old and for at least one week will get a maximum of 12 weeks leave, paid at the statutory rate, in addition to maternity/paternity leave. This is expected **October 2024 at the earliest**.

Stay in the know with BrightHR

Employment laws are constantly evolving and adapting, with more changes anticipated later in the year.

With BrightHR in your arsenal, you can rest assured that you can get all the information you need to stay one step ahead. **Plus**, with everything you need to manage your staff in one place, BrightHR can save you time and money, while helping you grow.



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