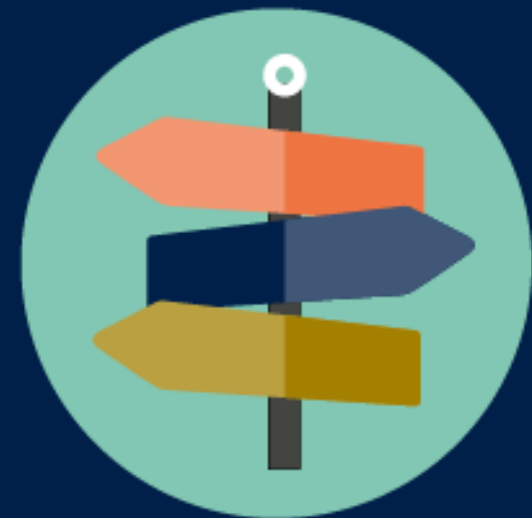


# Election Special: The Future of UK Employment Law

THURSDAY 20 JUNE 2024



# Speakers



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# Background

## Labour (1997-2010)

- Whistleblowing laws
- Sexual orientation, religion/belief and age discrimination
- National Minimum Wage
- Working Time Regulations
- TUPE
- Unfair dismissal – qualifying service reduced to one year
- Part-time/fixed term discrimination protection
- Paternity, adoption and unpaid parental leave
- Right to request flexible working (for parents and carers)

## Con/Lib Dem Coalition (2010-2015)

- Equality Act
- Shared Parental Leave
- Unfair dismissal – qualifying service increased to two years
- Employment Tribunal fees
- Extension of right to request flexible working
- Acas early conciliation
- Agency worker regulations

## Conservative (2015 to present)

- Gender pay gap reporting
- Parental bereavement leave
- Carers' leave
- Neonatal leave/pay
- Right to request predictable work pattern
- Industrial action – balloting changes and minimum service requirements

# Overview

- Employment status and worker contracts
- Unfair dismissal
- Pay and sickness
- Equality issues
- Family friendly
- Flexible working
- Fire and rehire/redundancies
- Collective bargaining/industrial action
- Enforcement of rights
- Other parties' proposals
- Immigration proposals



# Employment status and worker contracts – Conservative

- No new legislation on employment status
- Taylor Review and Future of Work review
- Previous consultation on improving protection for zero hours workers
- Right to request predictable work pattern (Sept 2024)
- Consultation on TUPE and workers (ongoing)



# Employment status and worker contracts – Labour

- Introduce single "worker" status (subject to consultation)
- Zero hours workers – right to a contract reflecting regular hours
- Notice of shifts/compensation for cancellation
- Self-employment rights (including right to a contract)



# Unfair dismissal – Conservative

No changes to unfair dismissal rights

Qualifying period increased to two years – 2012

Compensation limited to one year's pay (subject to statutory cap) – 2013



# Unfair dismissal – Labour

Unfair dismissal protection from day one

Probationary periods permitted

Compensation cap unchanged?





# Pay and sickness – Conservative

- National living wage extended to 21 year olds – April 2024
- Review of fit note process/pilot return to work programme



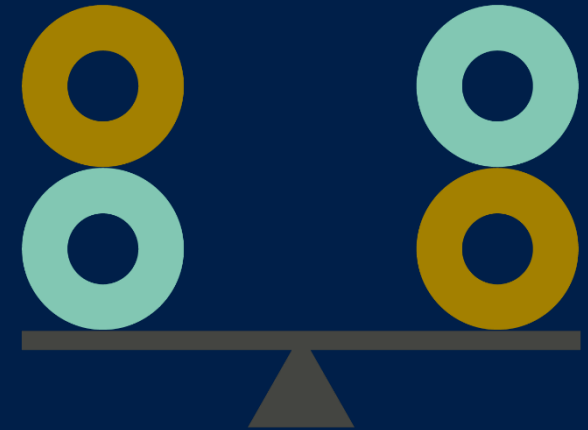
# Pay and sickness – Labour

- Remove minimum wage age bands
- Ensure minimum wage reflects real living wage
- Ban unpaid internships
- Make sick pay available to all workers, with no waiting period



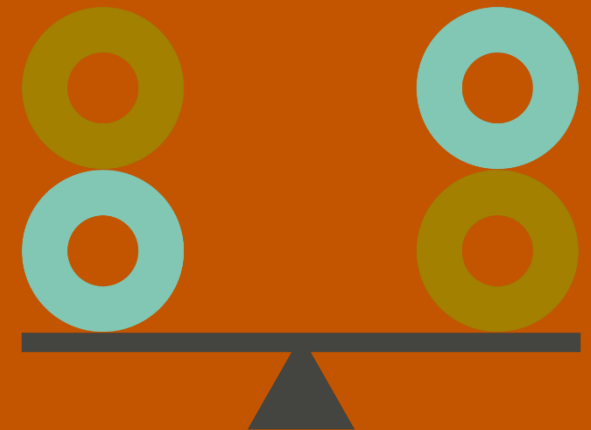
# Equality – Conservative

- Duty to prevent sexual harassment – October 2024
- Equality reporting
  - Gender pay gap reporting compulsory since 2017
  - Ethnicity pay gap reporting voluntary
  - Disability workforce reporting under consultation



# Equality – Labour

- Compulsory ethnicity and disability reporting
- Gender pay gap action plans to accompany reporting
- Menopause action plans for large employers
- Strengthening duty to prevent sexual harassment
- Strengthen whistleblowing laws including protection for women reporting sexual harassment
- Protection from third party harassment



# Family friendly – Conservative

- 2019 consultation on family leave (following 2015 introduction of Shared Parental Leave)
- Paternity leave changes – April 2024
- Maternity leave redundancy protection extended – April 2024
- Carers leave (unpaid) – April 2024
- Neonatal leave and pay – April 2025



# Family friendly – Labour

- Review parental leave system
- Make parental leave a day one right
- Protection from dismissal within six months of returning from maternity leave
- Review carers' leave/examine paid carers' leave
- Bereavement leave for all workers



# Flexible working – Conservative



- 2019: election pledge
- 2021: consultation on making flexible working the default position
- 6 April 2024 changes:
  - right to request flexible working extended to all employees
  - employer duty to consult employee
  - shorter timeframe to consider requests
  - two requests per year allowed

# Flexible working – Labour



- Make flexible working the default unless not reasonably feasible
- Day one right for all workers
- Introduce "right to switch off"
- Based on Irish "right to disconnect"
  - not routinely perform work outside working hours
  - not be penalised for refusing to attend to work matters outside working hours
  - not routinely email or call outside working hours



# Fire and rehire/redundancies

## – Conservative

- Statutory Code of Practice on "fire and rehire"
- In force 18 July 2024
- Compensation uplift up to 25% for failure to follow Code
- Code does not apply to redundancies
- Collective redundancy consultation period reduced to 45 days (2013)



# Fire and rehire/redundancies

## – Labour

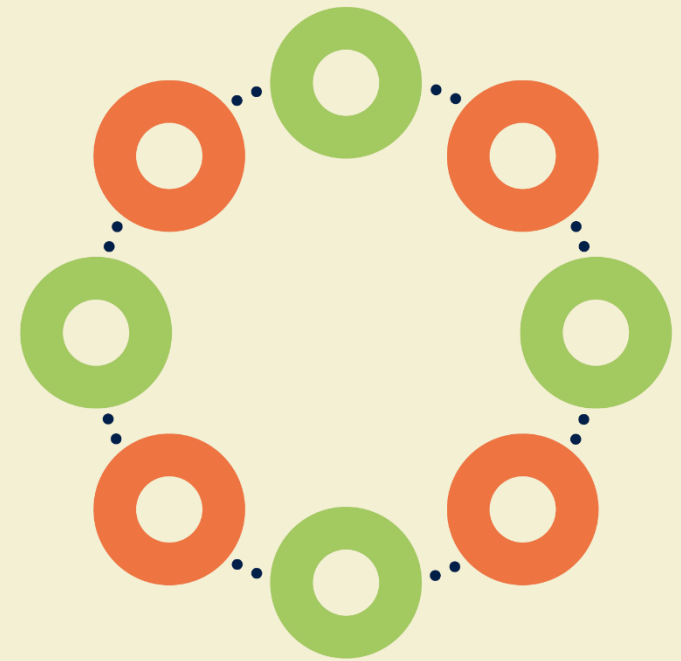
- Ending "fire and rehire"
- Strengthened Code of Practice on "fire and rehire"
- Collective consultation based on redundancies across business (not by site)
- Strengthen redundancy rights and protections



# Collective bargaining and strikes

## – Conservative

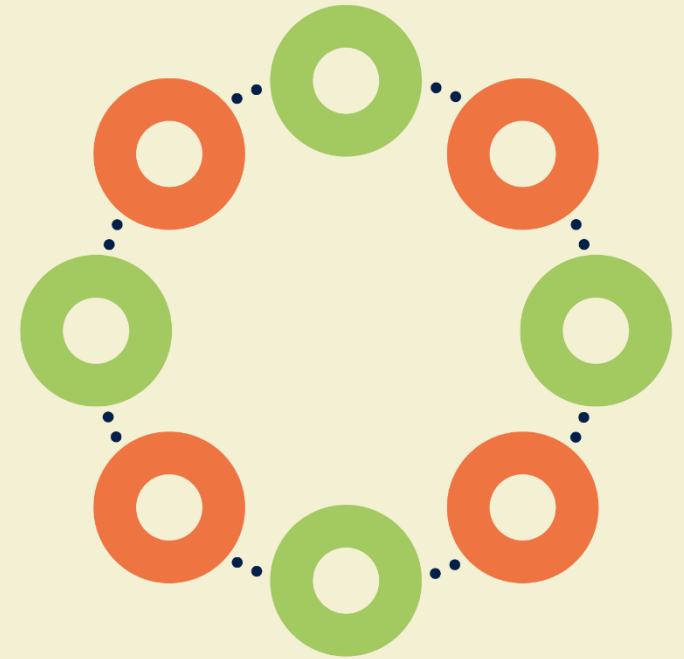
- Additional requirements for strike ballots (2016)
- Minimum service levels in certain sectors
- Consultation on allowing agency workers to cover strikes
- Consultation on abolishing European Works Councils (ongoing)



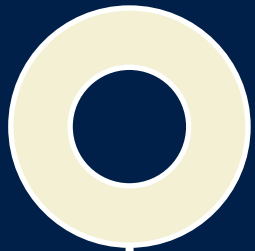
# Collective bargaining and strikes

## – Labour

- Repeal 2016 strike ballot requirements and minimum service levels
- Maintain ban on agency workers during strikes
- Greater role and rights for trade unions
  - Simplify trade union recognition process
  - Duty to inform workers of right to join union
  - Rights for trade unions to access workplaces
  - Introduce electronic strike balloting
- Sector wide collective bargaining, starting with adult social care

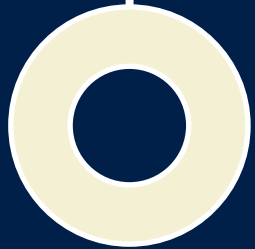


# Enforcement of rights – Conservative



Creation of single enforcement body?

- Consultation in 2021
  - No progress since
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Re-introducing fees in Employment Tribunals

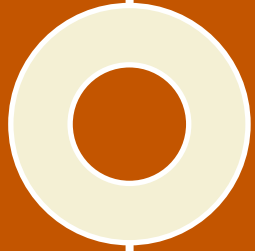
- Proposed flat rate of £55
  - Consultation closed March 2024
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# Enforcement of rights – Labour



Introduce single enforcement body

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Increase Employment Tribunal claim time limits to 6 months

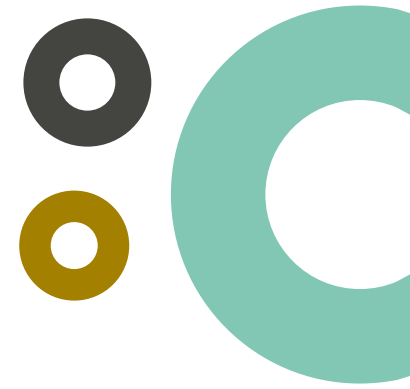
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Allow collective grievances via Acas

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# Liberal Democrats – Proposals



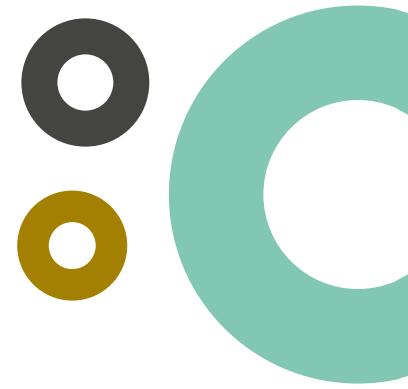
- **Parental leave and pay**

- Day one right for all workers including self-employed
- Increase statutory maternity and shared parental pay to £350 per week
- Introduce 'use it or lose it' month for fathers and partners, paid at 90% of earnings
- In the longer term:
  - Six weeks non-transferable leave for each parent, paid at 90% of earnings
  - Remaining 46 weeks to share between parents

- **Equality**

- Make "caring" and "care experience" protected characteristics
- Introduce paid carer's leave
- Diversity and pay gap reporting for large employers (gender, ethnicity, disability and LGBT+)
- Encourage name blind recruitment in the private sector
- Introduce "adjustment passports" for disabled workers

# Liberal Democrats – Proposals



- **Employment status and worker rights**

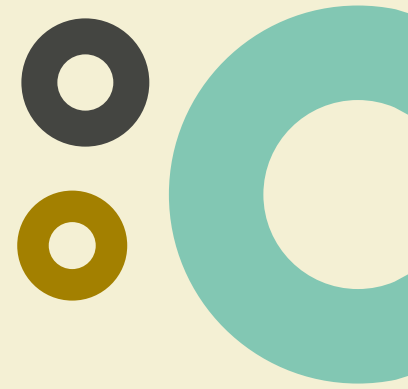
- Establish new "dependent contractor" status
- Review tax treatment of employment status categories
- Set 20% higher minimum wage for zero-hours workers
- Right to request fixed-hours contract after 12 months
- Encourage employee ownership
- Establish new Worker Protection Enforcement Authority

- **Pay and sickness**

- Make sick pay available to all workers, with no waiting period
- Independent review to recommend genuine living wage
- Scrap lower apprenticeship rate of national minimum wage



# Other parties' proposals



- **Green Party proposals**

- Employment rights for all workers from day one
- Remove arbitrary strike ballot thresholds and introduce electronic balloting
- Introduce right to strike and obligation on employers to recognise trade unions
- Equal pay audits for large and medium-sized employers
- Right to flexible working
- Increase minimum wage to £15 per hour regardless of age
- Maximum CEO:worker pay ratio of 10:1
- Move to a four-day working week

- **Reform UK proposals:**

- Abolish IR35
- Slash red tape including employment laws
- Replace the Equality Act 2010



# Immigration

- Annual cap on work and family visas
- Increase salary thresholds for work and family visas
- Introduce health checks for all visa applicants

**Conservative  
Party**

- Expand Youth Mobility Scheme to cover EU
- Reverse increase to income thresholds for family visas
- Sector specific salary thresholds for work visas

**Liberal  
Democrats**

- Freeze non-essential immigration
- Bar student dependants
- Restrict post study work

**Reform UK**

**Labour  
Party**

- Reform the points-based system
- Appropriate restrictions on visas
- Link migration to skills shortages

**Green  
Party**

- Allow all migrants to bring dependants
- Remove income thresholds for visas
- Simplify visa applications and reduce fees

## Get in touch



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