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Employment Law Update 5 October 2023

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Presented by

- Laura Kearsley, Head of Employment, Nelsons

- Laura.Kearsley@nelsonslaw.co.uk
- 07967 140601

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Updates

- General update
- E, D & I
- Flexible working

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General update

- 18/09 Workers (Predictable Terms and Conditions) Act 2023 received royal assent
- Atypical workers (including 0 hours) right to request a more predictable working pattern
- Likely to take effect in a year's time
- Likely to require 26 weeks' service
- New ACAS code

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General Update Cont'd

- ET stats
- Claims received increased
- 23,693 claims received between 1/04/23-30/06/23 compared to 20,123 in same period last year
- No of claims outstanding in the system also increased from 467,145 to 470,898

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E, D & I

- Takeaways from Russell Brand scandal
- Employers cant afford to ignore rumours
- Proactive steps; dignity at work policies, confidential reporting lines and workplace guardians
- Better to take action even if evidence lacking than risk reputational damage?

E,D & I 2

- Worker Protection (Amendment of Equality Act 2010) Bill
- Third reading took place on 12 September
- Watered down from original wording which included third party harassment protection (now entirely removed) and duty to prevent sexual harassment now "reasonable steps" rather than "all reasonable steps".
- ET power to increase compensation where employers have failed to comply with this duty.

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Flexible Working

- Employment Relations (Flexible Working) Act 2023
- Consultation
- 2 requests per 12 month period
- Decision period reduced
- Impact requirement removed
- Day 1 right?

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General Election/Labour Govt

- Likely measures:
- Employment Rights Bill (within first 100 days of office)
- Ban on zero hours contracts
- End to blacklisting of TU members
- SSP from day 1 for all workers
- Revoke MLS in public services
- Scrap 2 year service requirement for UD and the cap on compensation
- Also, single "worker" status, enhanced family friendly rights, "switch off" rights

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