

# Update:

# EMPLOYMENT LAW

## Winter 2024

**Welcome to our quarterly news roundup keeping you abreast of the latest developments in employment law and HR.**

### About Jacksons Law Firm

We have been advising clients in the North East for almost 150 years and our Employment Team can help with everything from business sales and purchases to HR problems, and associated dispute resolution. Employment law is one of the fastest moving and challenging areas of law where a good solicitor can make a real difference.

If you need any help or advice on any matter raised here or on more general employment or business issues, please do not hesitate to get in touch with our dedicated team by calling **0191 9336409** or **01642 356500** or via by email [employmentteam@jacksons-law.com](mailto:employmentteam@jacksons-law.com).

### Reminder: National Minimum Wage Increase 1 April 2024

For the first time the National Living Wage will apply to all workers aged 21. The annual increases are as follows:

- 21 and over - £11.44 (up £1.02)
- 18-20 - £8.60 (up £1.11)
- 16-17 and apprentices - £6.40 (up £1.12)

The accommodation offset will increase to £9.99 per day (up 89p).

### Carer's Leave

New Regulations have been put before Parliament which are due to come into force on 6 April 2024 and employees will be able to apply for up to one week of unpaid carer's leave, in a 12 month period.

- An application can be made from the first day of employment.
- It covers employees with a dependant who has long-term care needs who wish to be absent to provide, or arrange care for that dependant.
- Leave can be consecutive, or non-consecutive, half-days or full days.
- Employees must give written notice at least twice as long as the leave requested, or, three days' notice if longer.
- Employers can postpone a request by up to one month from the start-date of the original requested leave if business would be unduly disrupted, by giving notice before the leave is due to begin, explaining why the postponement is necessary.
- Employees are protected from detriment and dismissal for exercising these rights.



## Redundancy Protection: Pregnancy and Family leave

The draft Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 have been put before Parliament.

Presently, parents on maternity leave, adoption leave or shared parental leave must be offered first refusal of suitable alternative employment in a redundancy exercise.

As currently drafted the amended regulations will extend the period of special protection from redundancy and bring the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 into play.

- **Maternity:** The protection will run from pregnancy, plus 18 months from the first day of the estimated week of birth or from the exact date of birth, if the employee lets the employer know. The new rules apply where the employer is told about the pregnancy on, or after, 6 April 2024. The extension covering time after leave has been taken, will apply to maternity leave ending on, or after, 6 April 2024.
- **Adoption:** For adoption leave ending on or after 6 April 2024 the protected period will run for 18 months from placement for adoption.
- **Shared parental leave:** For leave starting on or after 6 April 2024, the protected period will run from 18 months from birth if the parent has taken at least 6 consecutive weeks of shared parental leave but will only apply if the employee is not protected under the maternity or adoption provisions.

As the Regulations are in draft form we will update on any changes in due course.



## Will flexible working become a Day One right from April 2024?

Yes! The Flexible Working (Amendment) Regulations 2023 have been put before Parliament. They remove the qualification of 26 weeks' service to be able to make a request for flexible working. This will make the right to request flexible working a Day One right.

The new right will come into effect for requests made on or after 6 April 2024.

Employers will need to ensure that their managers are aware of this change and understand how to recognise and process such a request.