



# Labour's Employment and Immigration Law changes

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# Agenda

- Employment law: upcoming legislation outlined in King's Speech
- Day one rights for employees
- Equality: new duties for employers
- Immigration: Labour policy and aims

# Employment law under Labour Government 1997 -2010

- National Minimum Wage Act
- Working Time Regulations
- Fixed-Term Employees and Part-Time Workers Regulations
- Discrimination: age, sexual orientation, religion or belief (and Equality Act 2010)
- Flexible Working
- Maternity and Parental Leave Regulations
- Other family-friendly rights

# King's Speech

- **Employment Rights Bill:** within 100 days
- "The biggest upgrade to workers' rights in a generation"
- "Make work pay and... a new deal for working people to ban exploitative practices and enhance employment rights"
  
- **Equality (Race and Disability) Bill:** "enshrine the full right of equal pay in law"

# Unfair dismissal protection

- England, Scotland and Wales: qualify after two years' service
- Northern Ireland: one year
- No qualifying period in special cases e.g. pregnancy, whistle-blowing
  
- **Proposal:** "from day one for all workers"
- **Exception:** probationary periods (fair and transparent)

# Trade Unions and Industrial Action

- Conservative Government: erosion of Union powers and right to strike
- **Labour aims:** update trade union legislation so it is fit for a modern economy
- Remove unnecessary restrictions on trade union activity
- Ensure industrial relations are based around good faith negotiation and bargaining

# Trade Unions and Industrial Action: proposals

- Repeal minimum service levels and introduce electronic balloting
- Reduce thresholds and restrictions on organisation of lawful industrial action:
  - Reduce notice periods?
  - Lower ballot thresholds?
  - Stop expiry of industrial action mandates after six months?
- Simplify statutory recognition process
- Reasonable right of access for Unions to workplaces
- New duty on employers to inform workers of right to join a trade union

# Harassment – new legal duty

- Worker Protection Act: 30 October 2024
- Proactive duty
- Employers must take "reasonable steps" to prevent employees from being harassed (including by third-parties e.g. customers, suppliers?)
- **Proposal:** Labour will strengthen to "all reasonable steps"
- **Proposal:** employers liable for third-party harassment?



## Race and disability: equal pay

- Equal Pay Act 1970: contractual pay terms for men and women
- Equality Act 2010: anti-discrimination / discretionary pay protections
  
- **Proposal:** extend equal pay regime to race and disability
- **Equality (Race and Disability) Bill:** "enshrine the full right of equal pay in law"
- More straightforward process to bring unequal pay claims based on race or disability

# Gender, race and disability pay gap reporting

- 2017: Gender pay gap reporting for companies with 250+ employees
- **Proposal:** mandatory action plans and include outsourced workers' pay
- **Proposal:** Ethnicity and disability pay reporting for companies with 250+ employees
  - Data collection / assess systems
  - Job evaluation schemes
  - Short and long-term measures on hiring, progression and retention

# Pregnancy Dismissals

- Goes further than additional redundancy protections which came into force in April 2024
- **Proposal:** unlawful to dismiss during pregnancy or within six months of return to work for any reason
- Except in “specified circumstances” - unclear

# Zero Hours Contracts

- **Proposal:** ban “exploitative” zero hours contracts
- Give workers the right to a contract reflecting the number of hours they regularly work (based on 12-week reference period)
- Reasonable notice of any change in shifts or working time
- Compensation proportionate to notice given for any shifts cancelled or curtailed
- Right to paid overtime will continue
- Employers will still be able to offer fixed term contracts, including seasonal work

# Flexible Working

- Build on 2024 changes (day one right to request and two applications per year)
- **Proposal:** make flexible working the default from day one
- Except where not “reasonably feasible”
- Rejection of requests for business reasons?

# National Minimum Wage

- **Proposal:** remove age bands so that young adults aged 18-20 (currently paid £8.60) will be paid the same as those aged 21 and over (currently £11.44)
- Require Low Pay Commission to take account of cost of living when making its recommendations

# Parental Leave

- Commitment to review parental leave system within the first year of government
- **Proposal:** day one right (currently 52 weeks for parental leave)
- Extend to other types of parental leave – paternity, shared parental?

# Menopause Action Plans

- **Proposal:** employers with 250 or more employees will be required to produce (and publish?) menopause action plans
- Explain steps they will take to support employees through the menopause
- Guidance to be published
- New protected characteristic?



# Employment Status

- Long term ambition
- Currently three categories (employees, workers and self-employed)
- **Proposal:** move to two tier framework (workers and self-employed)
- Upgrade of rights for those currently classed as “workers”
- Strengthen rights and protection for the genuinely self-employed

# Labour: UK Immigration policy

## General

- Reduction of net migration figures
- Reform Points Based System
- Link immigration and skills policy
- New Border Security Command
- Scrapping Rwanda Plan

## Business

- Commission Migration Advisory Committee (MAC) re effects of increases to salary thresholds (minimum £38,700).
- Reducing abuse by employers and recruitment agencies
- New body to enforce employment rights in Social Care sector

# Labour: UK Immigration policy aims

## Reduction of net migration

- Last reported - December 2023: 695,000
- No set migration target under new government
- Expectation that current and new policies will reduce net migration - if continued, impact of Conservative changes likely to bring net migration figures down to 350,000 in next 5 yrs

# Labour: UK Immigration policy aims

## Reform Points Based System – Skilled Workers

- Address shortages in key areas e.g. hospitality, construction, IT and engineering through reforms to the apprenticeship levy to upskill/train resident workers
- End the Shortage Occupation/Immigration Salary list where employers do not show action to train up resident workers
- Strengthen MAC and link it to national skills bodies - new Industrial Strategy Council and Department for Work and Pensions

# Labour: UK Immigration policy and the EU

- **EU Settlement Scheme** - continued rollout of automatic consideration of status under the EUSS and implementation of amended Right to work and Right to rent checks.
- **Youth Mobility Scheme** - Scope for UK-EU Scheme for young people?
- **Creative Workers** - Potential new arrangements for touring performers.

# Labour – Immigration policy

## What should they be considering?

- Addressing current and immediate skills shortages in the UK (hospitality, construction, retail, social care etc)
- Making UK attractive to international students again
- Reviewing and reducing of UK immigration costs
- Introducing a genuine entrepreneur-friendly visa category

# Questions?



# Our people



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