

HUMAN RESOURCES & COUNCIL TAX COMMITTEE

26 FEBRUARY 2024

REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS)

A.4 EMPLOYMENT LEGISLATION UPDATE REPORT

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide Members of the Human Resources and Council Tax Committee with an update on several key legislative changes in the UK during 2024, which focus on family-related policies, protection from harassment, and reforms in flexible and predictable working.

EXECUTIVE SUMMARY

There are several important updates to employment legislation that will take effect in 2024, including: improved rights to flexible working, a new statutory leave entitlement for carers, enhanced rights for workers, and greater employers' obligations to prevent sexual harassment.

- **Holiday pay and working time for Workers (*not employees*) – effective from 1 January 2024:** Holiday pay calculations will be simplified. Employers may now elect to implement a lawful 'rolled-up' holiday pay scheme for leave years commencing on or after 1 April 2024, so long as employers use an uplift of 12.07% against a worker's normal rate of pay in the previous pay period in respect of their 5.6 weeks' statutory holiday entitlement rather than calculating and paying for holiday when it is taken.
- **Equality Act 2010 effective from 1 January 2024:** The Equality Act 2010 will be amended to incorporate certain discrimination protections derived from EU law, such as indirect discrimination by association, amended definition of disability, extension to direct discrimination protection, discrimination on the grounds of breast feeding, and equal pay comparator.
- **Paternity leave – effective from 8 March 2024:** Paternity leave will be amended to allow fathers to take the two-weeks leave in two separate blocks, extend the period within which the leave can be taken, and change the notification periods.
- **Flexible working rights – effective from 6 April 2024:** Employees will be able to request flexible working arrangements from day one of their employment, regardless of their length of service. Employers will have to consider requests and provide reasons if they are rejected. Employees will also be able to make two requests per year and employers will have to respond within two months. The measures will be supported by an updated Acas statutory Code of Practice, which will come into effect in April 2024.
- **Minimum Wage Apprentices – effective from 1 April 2024:** The National Minimum Wage will increase to £6.40 for apprentices aged under 19 or over 19 and in the first year of their apprenticeship; this will increase to the National Minimum Wage thereafter.
- **Redundancy protection – Effective from 6 April 2024:** Employers will have to offer

suitable alternative employment, if available, to employees who are pregnant, have recently suffered a miscarriage, or are on family leave for up to 18 months from the expected week of the child's birth, the day of the childbirth, or the date of placement. Family leave covers maternity, adoption and shared parental leave.

- **Carers Leave Act – effective from 6 April 2024:** This will introduce a statutory entitlement to one week of flexible unpaid leave per year for employees who are caring for a dependant with a long-term care need. Carers Leave will be available to eligible employees from the first day of their employment, regardless of how long they have worked for their employer. Employees will be able to take Carers Leave in either half or whole days, up to a maximum of one week per year, without providing evidence of how the leave is used or who it is used for.
- **Sexual harassment prevention – effective from October 2024:** Employers will have to take reasonable steps to prevent sexual harassment of their employees during their employment. This will include providing regular anti-harassment training, implementing clear policies and procedures, and taking appropriate action against perpetrators. The authority already takes a very strong position in this regard.
- **Workers' right to request a more predictable contract – effective date September/October 2024:** This change will give workers and agency workers the right to request more predictable terms and conditions of work where there is a lack of predictability to their work pattern and to those on a fixed-term contract of 12 months or less. A minimum service requirement to access the right, expected to be 26 weeks, will be specified in the regulations. Employers must deal with a request in a reasonable manner and notify the worker of their decision within one month. It will be possible to make two applications in a 12-month period, and applications may be rejected on statutory grounds.

The relevant people policies and procedures will be updated to reflect the above changes, in line with the delegations afforded to the Assistant Director, Partnerships, under Part 3, Schedule 2 of the Council's Constitution, which authorises that officer to make "*minor amendments to Human Resources Policies and Procedures necessary as a result of legislation, national guidance or best practice*".

RECOMMENDATION(S)

That the Human Resources & Council Tax Committee notes the contents of this report, including the anticipated changes that will be made to the Authority's people policies and procedures by the Assistant Director (Partnerships), in consultation with the Chairman of the Committee.

REASON(S) FOR THE RECOMMENDATION(S)

In order to update members of the HR & Council Tax Committee on upcoming key legislative changes that will impact the authorities people policies and procedures.

ALTERNATIVE OPTIONS CONSIDERED

There is no alternative option to consider, as the authority is legally bound to adopt these changes.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Positive people-related practices will ensure that high standards of conduct and commitment to service are observed by officers, thus contributing to the Corporate Plan 2024/28 priorities of '*Financial Sustainability and openness*' and '*Pride in Our Area and Services to Residents*'.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The Council must ensure compliance with Employment Legislation, the Equalities Act 2010, and the Working Time Directive.

The Council has a legal duty of care to employees to ensure their health and safety at work, as set out in the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999, and other related legislation.

This report seeks to update the HR & CTAX Committee on a number of key legislative changes; therefore, the committee is asked to note the content of this report only. All future changes made to the authority's people policies and procedures required (*as a result of these changes in employment legislation*) will be made in line with the decision-making process as outlined in Part 3, Schedule 2 of the Council's constitution.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The associated updates required to the authority's people policies and procedures will be managed within existing resource(s).

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	By ensuring best practice is applied to our people practices, the authority will ensure it attracts and retains the resources required to sustain high levels of service delivery for residents.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Regular monitoring of the workforce and review of the authority's people policies (<i>in line with recognised best practice and legislative changes</i>) also ensures continued compliance with Employment Legislation.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	As a major employer in the district, the Council's ambition is to contribute to building a more prosperous local community by modelling good employment practices. Tendring District Council is also an 'Anchor' organisation; Anchors play a key role in shaping and developing the skills of the local workforce.

MILESTONES AND DELIVERY

(a) Management Team 6 February 2024

(b) Human Resources & Council Tax Committee 26 February 2024

ASSOCIATED RISKS AND MITIGATION

Should the authority not recognise these changes to employment legislation within its people policies and procedures, this carries the risk of legal challenge (*including the associated costs*) and potential damage to the authority's reputation, both as an 'employer of choice' and amongst its residents.

Officers undertake regular training and development in employment legislation matters to ensure the authority remains compliant in this regard.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The local union branch executive is consulted on all changes to the authority's people policies and procedures.

EQUALITIES

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, and victimisation, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

The Council is committed to being an inclusive employer in all its People policies and practices, which it extends to volunteers.

As a Disability Confident Leader and an Anchor Organisation, the Council will proactively identify and facilitate ways to recruit individuals who may experience barriers to employment.

The Council will also take an active leadership role in encouraging and working with local communities and employers to do the same.

A detailed equality impact assessment will be undertaken (*as appropriate*) for each of the updated people policies or procedures impacted by these legislative changes, to ensure that there is no impact on the protected characteristics.

SOCIAL VALUE CONSIDERATIONS

The Council aims to lead by example as a major local employer. This includes following recognised best practices and ensuring full compliance with legislation.

Examples of this include being a Disability Confident Leader and an Employer Recognition Scheme Gold Award holder; both of these commit the authority to being an advocate in these areas.

The Council is also an Anchor organisation. Anchor organisations are usually large organisations that are local to the place they operate and have the leverage to maximise social value through their role as workplace developers, employers and procurers, their core businesses (*for example, health and education*), and the linkages they have to the place they

operate.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
This report has no direct implication on the Council's aspiration to be net zero by 2030.	
OTHER RELEVANT IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	Not applicable
Health Inequalities	Not applicable
Area or Ward affected	Not applicable
ANY OTHER RELEVANT INFORMATION	
N/A	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.
N/A
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
N/A

APPENDICES
N/A

REPORT CONTACT OFFICER(S)	
<i>Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.</i>	
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