

# The legislative developments to look out for in 2024

December 20, 2023

While the long-awaited Employment Bill is still nowhere in sight, 2023 has seen some significant employment law developments with the government backing an assortment of Private Members' Bills throughout the year. 2024 promises to be just as eventful, with several significant bills coming into force as early as 1 January. As we approach the new year, these are some of the key upcoming legislative developments to watch out for – and some brief suggestions on what you should think about doing in response.

Legislation	Summary	Status	What can you do to prepare?
<b>Strikes (Minimum Service Levels) Act 2023</b>	Allows Secretary of State to set minimum service levels for strikes in the following services: health, fire and rescue, education, transport, nuclear and border security.	Enacted. So far, regulations providing minimum service levels for railway transport, ambulance services and border security have been passed.	If you operate in the affected sectors, ensure you are aware of your potential obligation to create and issue a "work notice" to a trade union that notifies strike action quickly. The notice must set out the minimum services required and the employees identified to maintain that level.
<b>Retained EU Law (Revocation and Reform Act) 2023</b>	Almost 600 pieces of legislation will be repealed, but limited changes to employment law, other than the posted workers rules. In a change to the original proposals, other retained EU law will remain in force until repealed/reformed by the relevant government department (see next entry).	Enacted, will come into force on 1 January 2024.	Take a look at <b>which laws are changing</b> and consider any practical steps you can take as the changes take effect.
<b>Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023</b>	Makes changes to: <ul style="list-style-type: none"><li>Working Time Regulations 1998, including:</li><li>permitting rolled-up holiday pay for irregular hours and part-year workers, and incorporating the EU</li></ul>	Enacted, due to come into force on 1 January 2024.	Decide if you wish to utilise the option of rolled-up holiday pay and, if so, identify part-year and irregular hours workers. There remains some uncertainty about what specific terms in the regulations mean.

Legislation	Summary	Status	What can you do to prepare?
	<p>provision of "normal remuneration" as including commission and regular overtime into UK holiday pay</p> <ul style="list-style-type: none"> <li>removes the requirement for employers to keep records of daily working time (provided employer can still demonstrate compliance)</li> <li>TUPE:</li> <li>Allows consultation directly with employees (where no existing representatives) where the organisation has fewer than 50 employees, or fewer than 10 employees will transfer</li> </ul>		Plan how you will communicate and consult on the proposed changes to these workers' terms where necessary.
<b>The Flexible Working (Amendment) Regulations 2023</b>	Removes the 26-week minimum service requirement for making a flexible working request. This will become a day-one right.	Laid before Parliament on 11 December 2023, coming into force on 6 April 2024.	<p>Update your flexible working policy to remove the requirement for 26 weeks' continuous service before making a flexible working request.</p> <p>And note the Employment Relations (Flexible Working Act) 2023 detailed below.</p>
<b>Protection from Redundancy (Pregnancy and Family Leave) Act 2023</b>	<p>Provides for the extension of existing redundancy protections whilst on Maternity Leave, Adoption Leave or Shared Parental Leave to also cover pregnancy and a period of time after returning to work from family leave. Redundancy protections will start when an employee tells their employer about their pregnancy (on or after 6 April 2024).</p> <p>Where the employee is entitled to, and takes, maternity, adoption or shared parental leave, the protected period will end 18 months after the expected week of childbirth/date of</p>	Enacted, regulations for implementation were laid on 11 December 2023 and will come into force on 6 April 2024.	<p>This will likely be particularly relevant to redundancy exercises where existing roles are removed but there is scope for some employees to remain employed in suitable alternative roles, as more people will qualify for priority treatment in those situations.</p> <p>It is important you aware of the extended protections and take these into account if you are contemplating</p>

Legislation	Summary	Status	What can you do to prepare?
	placement. Those taking shared parental leave will only be eligible for the additional protection if they take six or more consecutive weeks of shared parental leave.		redundancies.
<b>Carer's Leave Act 2023</b>	Creates a new statutory unpaid leave entitlement for employees caring for a dependant with long-term care needs.	Enacted, will come into force on 6 April 2024.	<p>Familiarise yourself with the relevant definitions, including what classifies as "long-term care" and a "dependant", and that there is no requirement to provide evidence of purpose.</p> <p>Be aware that there is no minimum service requirement – employees are entitled to take unpaid carer's leave from day one of employment.</p> <p>Be aware that employees are entitled to one week's unpaid leave per year, and how that leave may be taken (i.e. half days, block of days etc.).</p> <p>Employees are protected from detriment and dismissal where the reason is that they took (or are requesting to take) carer's leave.</p> <p>Consider how you will handle any personal data relating to caring responsibilities and associated GDPR implications for both employees and the adult they are caring for.</p>
<b>Employment (Allocation of Tips) Act 2023</b>	Requires employers to ensure that all tips and service charges are allocated fairly between their workers (including agency workers).	Enacted, expected to come into force on 1 July 2024.	Assess your current procedures for handling tips and service charges and ensure they will be compliant with the new requirements. The government has launched a

Legislation	Summary	Status	What can you do to prepare?
			consultation on a draft statutory code of practice to provide guidance to employers and workers.
<b>Employment Relations (Flexible Working Act) 2023</b>	Amends the flexible working provisions to allow for two requests per year rather than one; removes the need for employees to explain the effect on the business of their request; reduces the time period for employers to make decisions to two months; and provides that requests cannot be refused without consultation with the employee.	Enacted, expected to come into force in July 2024.	<p>Take a look at the upcoming updated Acas draft code of best practice on dealing with flexible working provisions.</p> <p>Note that this remains a right to request rather than a right to flexible working.</p>
<b>Workers (Predictable Terms and Conditions) Act 2023</b>	Introduces a new statutory right for workers (including agency worker) with at least 26 weeks' service to request a more predictable working pattern.	Enacted, expected to come into force in September 2024.	<p>Take a look at the <b>Acas draft code of practice</b> on dealing with requests for a predictable working pattern.</p> <p>Be aware of the minimum service requirement of 26 weeks to access the right and the statutory grounds upon which an application may be rejected.</p>
<b>Worker Protection (Amendment of Equality Act 2010) Act 2023</b>	Introduces a positive duty on employers to take reasonable steps to prevent sexual harassment of their employees. Failure to take such steps can result in a 25% uplift of any tribunal award. This is an additional obligation to the current position where employers are (and will continue to be) liable for actual harassment by their employees. In order to escape the existing liability, employers need to show that they have taken all reasonable steps to prevent harassment.	Enacted, provisions come into force on 26 October 2024.	Familiarise yourself with the duty to take reasonable steps to prevent sexual harassment of employees. Review existing policies and practices around sexual harassment and offer training to staff on any updates. This new positive obligation means it is even more important to show meaningful action to safeguard employees against harassment.
<b>Neonatal Care (Leave and Pay) Act 2023</b>	Creates a statutory right to paid leave of between one and 12 weeks for a parent where their child has received, or is receiving, neonatal care in addition to other family leave.	Enacted, expected to come into force in April 2025.	<p>Familiarise yourself with the four conditions that must be satisfied for a person to be entitled to statutory neonatal care leave.</p> <p>Consider if you wish to enhance the statutory level of neonatal care pay if you offer enhanced pay for other</p>

Legislation	Summary	Status	What can you do to prepare?
			forms of family leave.
<b>Seafarers Wages Act 2023</b>	Requires that "non-qualifying seafarers" working on ships that use UK ports at least 120 times a year must be paid a rate at least equivalent to the national minimum wage.	Enacted, certain provisions came into force on 23 March 2023. Regulations are required to provide additional detail.	Full details not yet available – we will provide updates in due course.
<b>Pensions (Extension of Automatic Enrolment) Act 2023</b>	Provides Secretary of State with the power to reduce the lower age threshold for automatic enrolment into a pension scheme from 22 to 18.	Enacted, will come into force on a day to be appointed.	Full timescale not yet available – we will provide details in due course.
<b>Equality Act 2010 (Amendment) Regulations 2023</b>	Preserves EU-derived laws on pregnancy and maternity discrimination, discrimination by association, and equal pay, to name a few.	Draft regulations have been laid before Parliament and are expected to come into force on 1 April 2024.	Read <a href="#">our blog</a> for full details on all of the proposed amendments. The amendments reflect current law (prior to the implementation of the Retained EU Law (Revocation and Reform Act) 2023 so do not require any changes to current practice.
<b>Trade Union Act 2016 (Commencement No 6) Regulations 2023 and Trade Union (Deduction of Union Subscription from Wages in the Public Sector) Regulations 2023</b>	Brings into force the restriction on trade union check-off in the public sector.	Expected to come into force on 9 May 2024.	Full details not yet available – we will provide updates in due course.

The year 2024 is shaping up to be action-packed, with this steady stream of legislative provisions due to be enacted throughout the year. Remember to keep an eye on our [blog](#) for updates and practical guidance on how to best navigate these changes.

## Your Key Contacts



**Elouisa Crichton**  
Partner, Glasgow  
D +44 141 271 5338  
[elouisa.crichton@dentons.com](mailto:elouisa.crichton@dentons.com)



**Laura Morrison**  
Managing Practice  
Development Lawyer,  
Edinburgh  
D +44 131 228 7132  
M +44 7919 540860  
[laura.morrison@dentons.com](mailto:laura.morrison@dentons.com)

