



This week in Employment Law

New right to carer's leave expected to become law

After successfully passing its third reading in the House of Lords last week, the Carer's Leave Bill is expected to be granted Royal Assent.

- Carer's leave will be a day-one right, to allow employees with caring responsibilities to take unpaid time off from work to focus on the person (or people) they care for.
- Eligible employees will be able to take up to one week (5 working days) of unpaid leave per year. The leave can be taken flexibly, either in individual days or half-days, up to a block of one week.
- Employees must be unpaid carers and the person they provide care to must be someone with a long-term care need.
- The relationship between the employee and this person will follow what is already in place for the right to time off for dependants: a spouse or civil partner; child; parent; person who lives in the same household (but is not a tenant, lodger or boarder); or, a person who relies on them for care (i.e. an elderly neighbour).
- Managers who are already aware of any employees with caring responsibilities will need to keep in mind that they may request unpaid carer's leave and be prepared to accommodate it.
- Although the Bill is expected to be granted Royal Assent, no implementation date has been set and it is not likely to come into force until 2024.

Redundancy protection bill to be granted Royal Assent

The Protection from Redundancy (Pregnancy and Family Leave) Bill also passed its third reading in the House of Lords last week and is set to become law. Although it is expected to be granted Royal Assent, no implementation date has yet been set. The Bill will enable redundancy protection to be extended to pregnant women and new parents returning to work from maternity, adoption or shared parental leave.

Did you know?

The protection will apply through an expanded period covering from when a woman tells her employer she is pregnant until 18 months after the birth, providing greater job security for employees.

Flexible working attracts older workers

One in five UK adults over 50 avoid new job opportunities because of lack of flexible working, while a third would remain part of the workforce if this was available. This is one of the key findings of research carried out by insurer Zurich UK, which found that 28% of older workers could be tempted out of retirement but they want to work from home. Pay is also a significant factor in encouraging unretirement.

Did you know?

Employers should consider ways to entice older workers to unretire and come back to work so that they can benefit from this highly skilled and experienced demographic.

Failure to give pay rise was not discrimination

The employee had been off sick since 2008. In 2013, he moved onto the employer's 'disability plan' which paid him 75% of his £72,037 salary. In 2022 he argued he should have been awarded pay rises whilst not working, and that his employer's failure to do so was disability discrimination. But, this was given short shrift by an employment judge, who told him he had been given a "very substantial benefit".

Did you know?

The judge pointed out that as only those who were disabled could benefit from the plan, they were being treated more favourably than those without a disability, as they did not have to work.