

This week in Employment Law

New statutory right to request predictable working pattern

The Workers (Predictable Terms and Conditions) Act 2023, which received Royal Assent on 18 September 2023, will give workers the right to request a more predictable working pattern.

- When this new law comes into force all workers, including those on zero hours contracts and agency workers, will have the right to request a predictable working pattern if their existing working pattern lacks certainty in respect of the hours or times worked.
- They could ask for a minimum number of guaranteed hours, for example, or clarity over which days of the week they will be asked to work.
- It will also apply to those on fixed term contracts that last less than 12 months who will be allowed to ask for a longer fixed term or to go permanent.
- Before a request can be made, 26 weeks' service is likely to be needed.
- Once a worker has made such a request, their employer will be required to notify them of its decision within one month.
- Employers will be able to refuse a request but only on one of 6 prescribed grounds such as detrimental impact on ability to meet customer demand.
- Acas will produce a new Code of Practice to provide guidance on making and handling requests.
- It is expected that this new right will come into force in approximately a year.

Pension auto-enrolment to include more workers

The Pensions (Extension of Automatic Enrolment) Act 2023 received Royal Assent on 18 September 2023. When the Act comes into force, it will lower the age at which eligible workers must be automatically enrolled into a pension scheme by their employers from 22 years old to 18 years old. The lower earnings limit will also be removed to enable workers to start saving into a pension from the first pound they earn.

Did you know?

A consultation will be launched by the Department for Work and Pensions on implementing the new measures and it is likely that these changes will take effect around a year from now.

Modern slavery deadline approaches for some

Large organisations that meet certain criteria are legally required to publish an annual modern slavery statement within 6 months of the organisation's financial year-end. This means that the deadline for organisations whose financial year ended on 31 March 2023 is 30 September 2023. The statement must be published in a prominent place on the organisation's UK website and must describe the steps taken to tackle modern slavery risks.

Did you know?

Small organisations can voluntarily produce a modern slavery statement as they will often fall within the supply chain of larger organisations, although they are not legally required to do so.

Refusal to wear mask was not philosophical belief

The claimant, a pilot, refused to wear a Covid mask at work contrary to company policy and so was placed on unpaid leave. Claims of unlawful direct and indirect discrimination, and harassment were brought and he sought to rely upon the protected characteristic of philosophical belief. The tribunal had to consider the 'Grainger test' and found that it did not amount to a philosophical belief.

Did you know?

The claimant appeared to recognise that not wearing a mask could cause a problem to those who were vulnerable. His belief was therefore in conflict with the fundamental rights of others.