

This week in Employment Law

Government gives national living wage indication

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In the
KNOW



The Chancellor has confirmed that the national living wage rate, payable to those age 23 and over, will increase to “at least £11” in April next year. We look at the impact for employers.

- The Chancellor announced yesterday that the National Living Wage rate from April 2024 will be “at least £11” per hour. This is the highest minimum wage rate within the structure and is payable to those aged 23 and over.
- The normal process for setting the minimum wage rates is that the Low Pay Commission (LPC) recommends rates to the Government each year and then the Government decides whether to implement those rates.
- The LPC has not yet recommended any rates for April 2024 but the Chancellor says that whatever the recommendations will be, the National Living Wage (NLW) will be at least £11 per hour.
- The LPC has previously indicated that the NLW rate for April 2024 will be between £10.90 and £11.43, with a central estimate of £11.16. We now need to wait for the LPC’s recommendations for a specific rate, but we know it won’t be below £11 per hour.
- The Chancellor did not say anything about the other minimum wage rates.
- Also, the Government has previously announced intentions to lower the age eligibility for the NLW from 23 years old to 21 years old from April 2024, though this is yet to be confirmed and this was not mentioned in yesterday’s announcement.



Latest tribunal statistics reveal increase in claims

The Ministry of Justice has published the latest employment tribunal statistics for quarter 1 (April, May, and June) 2023. By comparing these to the same period last year we can see that there has been around a 17% increase in the total number of claims. The biggest increase is in claims for failure to provide a written statement of terms and conditions. In 2022/23 quarter 1 there were 496 claims, whereas in 2023/24 quarter 1 there were 1,422 claims - an increase of 186%.

Did you know?

These figures show the importance for employers of ensuring that they have provided employees with a written statement of terms and conditions on or before their first day of employment.

Three-day working week for over 50s proposed

Former pensions minister Baroness Altmann has called for the UK to adopt a three-day working week for the over 50s to help with the Government’s plans to tackle rising economic inactivity. Baroness Altmann has coined the term “pretirement” to describe a phase of life when staff want to cut down their working hours, but they can carry on saving for when they do retire. She has said that there should be more flexible options such as part-time hours to normalise a shorter working week for the over 50s.

Did you know?

Offering flexible working such as job shares can encourage older workers to continue working part-time rather than retiring early, helping employers to retain their knowledge and skills within the organisation.

Dismissal for refusing to work weekends was proportionate

The respondent required community nurses to work at weekends. The claimant was unable to agree because she had two disabled children and stated that family could not help. The Employment Appeal Tribunal held that the claimant was put at a disadvantage because of her childcare responsibilities when she was dismissed, but when the case was remitted back to the tribunal, they upheld their original decision that the claimant had not suffered indirect discrimination or been unfairly dismissed.

Did you know?

The tribunal found that her dismissal was a proportionate means of achieving the Trust’s legitimate aim of providing care in the community 24/7, balancing workload among the team and reducing costs.



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