

New employment rights set to come into force

20 December 2023

As 2023 comes to a close the Government have been busy laying regulations to bring various pieces of legislation into force in 2024.

Below we summarise the key changes employers should have on their radars:

Flexible Working (Amendment) Regulations 2023

Currently employees are required to have 26 weeks' service to be eligible to make a flexible working request. In 2021, the Government consulted about changes to the flexible working regime, following which they committed to making it a day one right. The Flexible Working (Amendment) Regulations 2023 have now been laid before parliament and remove the 26-week service requirement. The change comes into effect for requests made on or after 6 April 2024. Further legislation is awaited which will bring into force the provisions of the Employment Relations (Flexible Working) Act 2023 which received Royal Assent in July 2023, including the entitlement to make two requests in any 12-month period (see our [previous update](#)).

The Carer's Leave Regulations 2024

The Carer's Leave Act 2023 received Royal Assent in May 2023. In accordance with the Act, employees will be entitled to take one week's unpaid leave in any 12-month period to provide or arrange care for a dependent with a long-term care need. The Carer's Leave Regulations 2024 (which will bring this right into effect) have now been laid before parliament and the new right will come into force on 6 April 2024. For further details of how this will work in practice, please see [our previous update](#).

Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 received Royal Assent in May but required further regulations to bring its provisions into force. The Act amends the current provisions which provide that in a redundancy, situation employees on maternity, adoption or shared parental leave have priority in respect of being offered a suitable alternative vacancy where one exists. The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 have now been laid before parliament and once in force will extend the period of protection from redundancy as follows:

- **Pregnancy and maternity leave:**

The redundancy protection during pregnancy will start when the employee tells their employer they are pregnant and extend during an additional period after they return to work from statutory maternity leave. The protected period is calculated from the first day of the expected week of childbirth (or from the actual date of the birth where this is notified to the employer) for a period of 18 months. Therefore, if an employee takes their full 12 months statutory leave entitlement, they will be protected for an additional six-month period following their return to work. In respect of employees who have suffered a miscarriage the protection applies for a period of two weeks after the pregnancy ends.

The new rules apply to any pregnancies notified to the employer on or after 6 April 2024 and in respect of the additional protected period, any maternity leave ending on or after 6 April 2024.

- **Adoption leave**

The additional protected period applies for a period of 18 months from the date the child is placed with the employee for adoption.

The new rules will apply to adoption leave starting on or after 6 April 2024.

- **Shared Parental Leave**

For those taking 6 or more consecutive weeks of shared parental leave but who have not taken maternity or adoption leave, the additional protected period ends 18 months after the date of birth of the child/date the child was placed for adoption. For those taking less than six consecutive weeks, redundancy protection will apply where the redundancy situation arises during any period the employee is on shared parental leave (as is currently the case).

The new rules will apply to shared parental leave starting on or after 6 April 2024.

Although the new rules are due to come into force on 6 April 2024, at present they are still in draft form and therefore may be subject to change.

Employers should review their existing policies and consider whether any revisions are required in readiness for the new rules. It would also be prudent to communicate the changes to all managers/employees with line management responsibility so that they are aware of the changes.

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