



Explainer: What a Labour Government means for Employment Law

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As the dust settles on the election, we are taking a look at what changes may be in store for employment law.

As it is very early days for this [new government](#), the only indications that we have of the changes that Labour plan to make to employment law are in their election manifesto. That document set out a whole range of changes that we have summarised for you below. However, we know from experience that not all manifesto items make it into law in the manner stated or at all, and so there remains uncertainty over what changes will be introduced.

What we do know is that [Kier Starmer](#) has signalled his intent to get to work quickly, and the Labour election manifesto proposes that their intended employment law changes will be introduced within the first 100 days of government. This means that we should know within the next few months which changes will make it into law, and what they will look like.

In the meantime, employers would be advised to prepare for the following potential changes to employment law that Labour have proposed during their campaign:

Day one rights to unfair dismissal, sick pay and parental leave

The most seismic change here would be a change to the current two-year qualification period for ordinary unfair dismissal. As the law currently stands, employers do not need to rely on a fair reason to dismiss an employee during that first two-year period, which has allowed a large degree of flexibility for employers during the early period of a new employee's period of service.

If unfair dismissal becomes a day-one right, employers will be required to rely heavily on their disciplinary and capability procedures (and know which one to use!) from the start of their employees' employment if they plan to dismiss them. Employers would be advised to conduct a review of their disciplinary and capability policies to ensure that they are transparent, robust and fit for purpose.

There is a slight caveat to this, in that probation periods are likely to still allow for shorter notice periods, in

which case conducting probations properly will take on much more importance for employers.

Employers will also likely need to review their sickness and parental leave policies to ensure that they comply with any changes that are introduced.

Banning exploitative zero-hours contracts

There has been a great deal of worry that all zero-hour contracts will be banned, but this would be surprising if so. The key word to note is 'exploitative', and the likelihood is that there will be a tightening of the law surrounding the terms that can be used in such contracts.

Ending fire and rehire

There is a lack of detail surrounding this intention, but employers should prepare for a scenario where it is more difficult to end an employee's contract in instances where they refuse to accept revised terms of employment.

A new framework to allow for collective bargaining in the adult social care sector

This will be something for adult social care providers to monitor very closely, as it could have a significant impact on pay in the sector. However, as we do not have much in the way of detail at this stage, we cannot offer much in the way of advice on how to prepare for this.

The extension of tribunal time limits from three months to six months

This will mean that employees have a longer period in which to bring any claim in the Employment Tribunal against their employer. The impact of this will be that employers will have a longer period of uncertainty as to whether they will face a claim. On the other hand, it does allow more time for settlement to be negotiated before the deadline to bring a claim expires, and so will allow for more scope to resolve matters by way of a settlement agreement without the need for legal proceedings.

Large employers with over 250 employees will be required to have a menopause action plan

This is a measure that large employers can start considering putting in place to prepare for this potential change. A menopause action plan is recommended best practice to help your staff understand and manage the impact of menopause symptoms in the workplace, and so is something you can adopt right away.

Something that we would certainly recommend is putting in place a menopause policy setting out the ways in

which you support staff suffering from menopause symptoms in your employee handbook.

A right to switch off

This will likely reflect the laws introduced in Belgium and Ireland, but there's no clarity over the intended changes as yet. To prepare, employers would be advised to start considering the time periods that they actually require their employees to be available to work during.

Employers could also potentially consider putting in place a 'switching off' policy to make clear their intentions and expectations regarding employees working outside of their core working hours.

Making flexible working the default

Currently, employees have to submit a formal flexible working request to compel their employer to consider varying their contractual terms. Employers can then rely on several statutory reasons not to grant the request.

Labour's intention is to make flexible working a default right unless it's not 'reasonably practical'. We are yet to see what 'reasonably practical' will mean, but it is likely to be more restrictive to employers than the current reasons for refusal.

Unpaid bereavement leave

Currently, this is only available following the death of a child. However, we expect the right of up to two weeks' unpaid leave to be extended to the death of other close family members. Employers will need to ensure that their policies are updated to reflect this.

As you will appreciate, there is still a large amount of uncertainty surrounding the changes that the new government propose to make to employment law. However, when they come, the changes are expected to be significant, and so employers are advised to keep a close eye on developments to avoid being caught out.

Contact

If you have any questions about how these potential changes may affect your business or how to start preparing for them, please contact our [Employment & HR team](#) by emailing online.enquiries@la-law.com.