

City HR Association Community Call - 11 January 2022

The Employment Law Agenda - What Next?
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Focus of the session

- Legislative change
- Cases to watch
- Trends

A) Legislative Agenda

- Changes to sexual harassment law:
 - new duty to avoid it in the workplace; and
 - reinstating a direct duty to avoid 3rd Party harassment.
- Carers' leave
 - new statutory right to a week of **unpaid** carers' leave.

Legislative Agenda (continued)

- **New Employment Bill** :
 - retention of tips for (hospitality) workers;
 - Creation of a single labour market enforcement agency;
 - flexible working being the “default”;
 - widening of period of redundancy protection for pregnant workers to six months after the end of maternity leave;
 - likely greater controls/fetters on the use of confidentiality clauses;
 - statutory leave and pay for up to 12 weeks for neonatal care; and
 - right to request a more “stable” contract of employment after 26 weeks’ service;

Legislative Agenda (continued)

BUT

All of the above changes are conditional on the common refrain....

“When Parliamentary time allows...”

Pay Reporting/Reporting

- Gender Pay Gap reporting – review due in 2022 but premature (because of Covid)?
- Ethnicity Pay Gap reporting – still no word on the Govt. consultation in 2018 but more organisations are anticipating this and assenting to a voluntary framework.
- Disability workforce reporting (large employers 250+ employees) – up for consultation that closes on 25 March 2022.

B) Cases to watch

- Known cases

Holiday cases:

- *Harpur Trust v Brazel*; and
- *Smith v Pimlico Plumbers*.

- Likely cases:

- Vaccination – cases clarifying rights and principles, status of philosophical belief? Right to request or mandate? vaccination “passports”; health and safety dismissals.

C) Trends

- Increased activity in business protection cases;
- Remote working and WFH issues;
- “Fire and re-hire”;
- AI and discrimination (new ICO code on these new technologies due in Q1);
- ESG and green agenda.