



Government Employment Law Plans

This employment law guide outlines the forthcoming employment law changes and offers guidance on how to avoid common pitfalls.

Following the mass publication of different plans regarding employment law whilst the general election was taking place, the result of a Conservative majority has the effect of tampering down uncertainty. It can now be assumed that the employment proposals contained within their manifesto will be those followed and are likely to pass successfully through Parliament. The presumed changes, coming over the following months and years, include major changes to strike law, an enhanced emphasis on equality and plans regarding membership of the European Union (EU).

Strike Laws

The first changes to be introduced following the commencement of the new Parliament are said to be those on strike laws. The Government is planning on increasing the threshold of support a

strike needs to have before it can take place. This increase will introduce the need for a strike ballot to have a turnout of at least 50% of those entitled to vote and strikes in essential public sectors, such as fire, health, education and transport, to have a minimum of 40% support within the voting workforce. The Government has also announced more proposals which include the removal of restrictions on recruiting temporary agency workers during strikes to cover striking employees' roles, introducing a three month time limit after the ballot within which the strike must take place and restricting picketing during strikes.

EU Referendum

The largest proposal to effect UK employment law is the promise to hold an in/out EU referendum. As many employers are aware, a large amount of

domestic employment rights and protections are derived from laws implemented within the EU and followed at home. A referendum which could lead to a detachment from the EU and a potential move towards a less integrated union, all add up to an unknown future for the majority of employment laws, including those on working time, agency workers and collective consultation. The referendum which was pledged to be held before 2017 was opposed by the previous coalition partners the Liberal Democrats. A majority government has now made is likely to carry out the referendum and this is now mooted to be possible as early as 2016, though the timeline is currently uncertain.

Zero-hours Contracts

Labour heavily relied on their campaign proposal to “remove” zero-hours contracts by promising



workers who worked regular hours within the first 12 weeks a casual hours contract of employment. The Conservatives did not go so far, however, have now made exclusivity clauses within zero hours contracts unenforceable via the Small Business, Enterprise and Employment Act 2015. Further regulations will be introduced which extends the ban on exclusivity clauses.

Disability and Gender Equality

An increase in equality within the workplace, focusing on disability and gender inequality, has been revealed as a Government aim. With regards to disability, the Government is pledging to halve the disability employment gap through changing equality policies, practices and public attitudes, and is also aiming to see full gender equality within UK workforces. The Small Business, Enterprise and Employment Act has put in place

a requirement for legislation to be introduced before 26th March 2016 which makes it obligatory for companies with more than 250 employees to publish the difference between the average pay of male and female employees.

Employment Tribunal Fees

The Conservative party were instrumental in the introduction of employment tribunal fees in 2013 claiming that they were needed to protect businesses from the increasing number of vexatious claims being brought at tribunal. Even with a number of legal challenges against the fees the Conservatives did not include any proposals on these during their campaign, though the Labour party promised to review the fee system if they were elected and pressure had been put on conducting a review by the, then, Business Secretary Vince Cable. It was recently announced

that a Government review of fees will take place in order to discover whether the system has achieved its aims.

National Minimum Wage

Employment law is strongly linked with wages and the Government has laid out its future plans on remuneration and real term increase. The recommendations put forward by the Low Pay Commission for the National Minimum Wage (NMW) to increase to £6.70 an hour in October 2015 have been accepted and this puts the rise of NMW in line to reach £8 per hour by the end of 2020. They are also pledging to increase the tax free Personal allowance to £12,500 so that staff earning the Minimum Wage do not pay income tax. In line with this, a law will be passed from the first Budget announcement so that the rate of Personal Allowance automatically rises in line with



NMW. The Government has also continued their support for the Living Wage, currently £7.85 per hour outside London and £9.15 within London, and will continue to encourage businesses to pay this where they can.

Removal of the Coalition Government

The removal of the Coalition government through gaining a majority means that the Conservatives are no longer restricted by the Liberal Democrat's own employment law policies. In previous speeches during the Coalition, Nick Clegg revealed that he had stopped the Conservatives from introducing a number of policies which included being able to fire workers without giving reasons and weakening the protections given in the Equality Act 2010. Though no further information was given regarding these initiatives, without the Liberal Democrats dissenting votes to hinder the Government they

can, in theory, reintroduce any policies which have been blocked by the Lib Dems.

Other Proposals

Other notable employment law proposals by the Conservatives include: introducing an entitlement for people working in large companies and the public sector for three days volunteering a year; plans to create three million more apprenticeships including a three-fold increase of apprenticeships in food, farming and agri-tech and to create another two million jobs. To achieve a focus on full employment the Government is also planning on cutting £10 billion worth of red tape for businesses over the next Parliament.