

LAW & POLICY GROUP

GRIST

UK TACKLES LABOUR ENFORCEMENT, FAMILY LEAVE, FLEXIBLE WORK

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25 Jul 2019

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Five UK consultation documents look at establishing a single body for enforcing the employment rights of vulnerable workers, reforming parental leave entitlements, introducing a new right to neonatal leave, enhancing other family-related leave rights and employers' transparency about flexible work arrangements, and addressing flexible work arrangements that disproportionately benefit employers. In a published response to an earlier consultation, the government has also set out the workplace protections for pregnant women and new parents that it will support. The proposals follow the recent publication of the [Gender Equality Roadmap](#) and the government-commissioned [Taylor Review of Modern Working Practices](#) in July 2017.

NEW CONSULTATIONS

Enforcement of vulnerable workers' employment rights. This [consultation](#) seeks views on the remit and powers of a new single labour market enforcement body, its interaction with other enforcement bodies and compliance. The powers of the proposed body would include enforcing holiday pay for vulnerable workers, regulating agency worker companies and easing the complaint process for workers. The proposed body would provide employers with coordinated guidance and communication campaigns and conduct coordinated enforcement action with new powers and sanctions, including disrupting serious breaches. Comment must be submitted by 6 Oct 2019.

Paternity and shared parental leave and pay entitlement. This [consultation](#) looks at possible reforms to improve the uptake of leave by fathers, including changes to statutory paternity leave for fathers and same-sex partners and to shared parental leave. Comments must be [submitted](#) by 29 Nov 2019.

New right to neonatal care and pay entitlement. Another leave-related [consultation](#) seeks views on providing a new paid leave entitlement for parents of newborns who require neonatal care. The government says that a recent internal review highlighted working parents' challenges to care for premature, sick or multiple babies. Comments must be submitted by 11 Oct 2019.

Transparency of employers' flexible working arrangements. This [consultation](#) looks at ways to help job applicants and employees make more informed decisions about job opportunities, including accessing the flexibility options needed to stay in the workforce. In particular, the consultation asks questions about proposals that would require (i) employers to publish their policies on paid family-related leave and flexible work; and (ii) employers with more than 250 employees to advertise jobs as flexible. Comments are due by 11 Oct 2019.

Curbing one-sided flexibility. Another flex-work [consultation](#) aims to curb "one-sided flexibility" — abusive flex-work arrangements in which employers transfer excessive risk to workers without corresponding benefits. The consultation looks at workers' rights to receive reasonable notice of working hours and compensation for shift cancellation without reasonable notice (regardless of whether the hours are rescheduled). The consultation also asks what types of guidance would help employers. Comments must be submitted by 11 Oct 2019.

This initiative follows the 2017 Taylor Review of Modern Working Practices and the Low Pay Commission's 2018 report on one-sided flexibility, which recommended raising the national minimum wage (NMW) for non-guaranteed working hours. However, the government has confirmed it won't pursue a higher NMW for non-guaranteed hours.

RESPONSE TO PROPOSED PREGNANCY, PARENTAL PROTECTIONS

In [response](#) to an earlier consultation on workplace protections for pregnant women and new parents, the government has confirmed it will support extending protection from redundancy to:

- Pregnant women from the time they inform their employers about their pregnancy until six months after immediately resuming work once maternity leave has ended
- Parents taking adoption leave until six months after resuming work
- Parents returning to work after shared parental leave for a period proportionate to the amount of leave taken and the threat of discrimination

No proposed measures have been published, and the timetable is unclear.

RELATED RESOURCES

Non-Mercer Resources

- [Good Work Plan: Workplace Protection for Pregnant Women and New Parents](#) (UK Government, 22 Jul 2019)
- [Good Work Plan: Proposals to Support Families and Consultation Documents](#) (UK Government, 19 Jul 2019)
- [Press Release](#) (UK Government, 19 Jul 2019)

- [Consultation on Flexible Working and Family Related Leave and Pay Policies](#) (UK Government, 19 Jul 2019)
- [Good Work Plan: Single Enforcement Body and Consultation](#) (UK Government, 19 Jul 2019)
- [Good Work Plan: One-Sided Flexibility, Addressing Unfair Flexible Working Practices](#) (UK Government, 19 Jul 2019)
- [Proposals for New Employment Rights: Supporting Parents of Babies Requiring Neonatal Care](#) (UK Government, 19 Jul 2019)
- [Gender Equality at Every Stage: A Roadmap for Change](#) (UK Government, 2 Jul 2019)
- [Response to the Government on 'One-Sided Flexibility](#) (Low Pay Commission, 17 Dec 2018)
- [Taylor Review of Modern Working Practices](#) (UK Government, 10 Jul 2017)

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- [UK Launches Gender Equality Roadmap](#) (11 Jul 2019)

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