



1 March 2024

New rules for the New Year - the second half of 2024

Following our January Bulletin which summarised the new rules coming into force during the first half of this year, this month we'll look at some of the new legislation expected to impact employers in the latter half of 2024

May 2024

Tips and gratuities

The Employment (Allocation of Tips) Act 2023 is expected to be brought into force in May 2024, with the specific date to be confirmed by the Secretary of State. The purpose of this legislation is to ensure that all tips are passed on to workers without deductions. Accordingly, employers will have a duty to ensure that all qualifying tips (that is, all employer-received tips, including those paid via a credit/debit card, and certain worker-received tips – i.e. where the employer receives and/or exercises control or significant influence over the distribution of tips) are "allocated fairly" to workers (including agency workers) and make payment in full no later than the end of the month following the month in which the qualifying tip was paid by the customer.

Alternatively, if it is fair to do so, the employer may pay the tips over to an "independent tronc operator" who will allocate them to workers.

The Department for Business and Trade (DBT) issued a consultation on the draft statutory Code of Practice that will support the measures set out in the legislation. Further details on the consultation can be found here: [Code of Practice on handling requests for a predictable working pattern \(draft\) | Acas](#).

September 2024

The right to request more predictable terms and conditions of work

The right for workers and agency workers to request more predictable terms and conditions of work,



where there is a lack of predictability to their work pattern, is expected to come into force in September 2024.

Workers will have the right to make two applications in a 12-month period and applications may be rejected by employers on statutory grounds, similar to the new flexible working changes discussed in our previous issue. However, a minimum service requirement of 26 weeks is expected to be required to access the right to request predictable terms.

Acas have produced a draft statutory Code of Practice on the procedure for handling requests for a predictable working pattern, which will be used once the legislation comes into force. Further information on the draft Code can be found here: [Code of Practice on handling requests for a predictable working pattern \(draft\) | Acas](#).

October 2024

Prevention of sexual harassment

Legislation expected to come into force in October 2024 will introduce a duty on employers to take reasonable steps to prevent sexual harassment of their employees.

Reasonable steps to prevent sexual harassment could include:

- Having an effective anti-harassment policy that clearly sets out:
 - what conduct is unacceptable,
 - the employer's zero-tolerance approach to such conduct,
 - how employees can report inappropriate conduct,
 - the process that will be followed; and
 - the support available for victims of harassment and those who report it.
- Providing anti-harassment training for all employees, given from induction onwards, and specific training for managers in how to deal with complaints of harassment.

Beyond 2024

April 2025 - Neonatal care leave and pay

Looking ahead into next year, the entitlement to neonatal care leave and pay is expected to come into force in April 2025.

This will include provision for a right to statutory neonatal care leave (expected to be capped at 12 weeks) and pay (expected to be at the statutory prescribed rate or, if lower, 90% of the employee's average weekly earnings) for employees with a parental or other personal relationship with children receiving neonatal care.

Comment

[Daniel Gorry](#), Director in our Employment team comments:

In light of the above upcoming legislative changes, it would be prudent for employers to:

- Consider implementing a policy on anti-harassment and identify any staff and/or management training needs on what constitutes sexual harassment, and how to detect issues, deal with complaints and support staff. If a sexual harassment claim is successful, a breach by the employer of their duty to take reasonable steps to prevent sexual harassment could result in an uplift in compensation by up to 25%.
- Produce a policy to assist staff in requesting predictable terms and prepare managers to deal with such requests (once the Acas Code has been confirmed). In the event of any procedural failings, claims of unlawful detriment and automatic unfair dismissal (regardless of length of service) may be possible.
- Look at the current practices for distributing tips (where applicable) and set out clear guidelines and expectations to staff and managers. If an employer has failed to fairly allocate and pay tips in the required timescales, a worker will be able to present a complaint to the employment tribunal up to 12 months from the date of the failure to comply.

If you would like further information on any of these changes, please contact:

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