

July has been a busy month on the employment law front. Over the last few weeks, the UK government has announced a number of proposed changes to employment law, from changes to confidentiality clauses to a possible overhaul of family-friendly legislation. Below, we provide a short summary of the various consultations/responses so you can head off on your holidays with the knowledge that you are fully up-to-date with employment law developments.

Consultation: Proposals to Support Families

This [consultation](#) aims to explore “high-level” options for reforming family leave and pay arrangements to ensure they support employees to balance work and other commitments and responsibilities. The consultation document contains the following three key strands:

- **Parental leave and pay entitlements** – The consultation document invites views on reforming paternity leave, maternity leave, shared parental leave and parental leave, including whether employers would be in favour of more radical change and an overhaul of the current model for leave and pay – potentially moving to a single “family” set of leave entitlements. This part of the consultation closes on 29 November 2019.
- **Neonatal leave and pay** – Proposals for a new leave and pay entitlement (“Neonatal Leave and Pay”) for parents of babies that require neonatal care after birth. Eligible parents would receive one week of Neonatal Leave and Pay for every week their baby is in neonatal care, up to a maximum number of weeks. This part of the consultation closes on 11 October 2019.
- **Transparency** – Whether large employers (those with 250 or more employees) should be required to publish their family-related leave and pay and flexible working policies, and whether employers should have a duty to consider if a job can be done flexibly and make that clear when advertising a role. This part of the consultation closes on 11 October 2019.

Response to Consultation: New Parents to Get Enhanced Redundancy Protections

According to a [press release](#), the government is taking forward its proposals to give new parents greater protection in a redundancy situation. Key changes include:

- Extending the redundancy protection period to six months once a new mother has returned to work
- Giving parents returning from adoption leave and shared parental leave similar protection

There are no details yet as to when these changes will be implemented.

Consultation: Sexual Harassment in the Workplace

This [consultation](#) on sexual harassment in the workplace is designed to help the government understand whether the current laws are operating effectively. It invites views on:

- Whether there should be a mandatory duty on employers to protect employees from harassment
- Whether employers should be required to publish or report on any prevention and resolution policies publicly, with board sign off, to ensure that companies are engaging with this problem at an appropriate senior level
- How best to strengthen and clarify the laws in relation to third-party harassment
- Whether volunteers and interns should have the same protection against discrimination, harassment and victimisation as others in the workplace
- Whether the time limit for bringing discrimination, harassment or victimisation claims should be extended, e.g. to six months

The consultation closes on 2 October 2019. For further details, see our [alert](#).

Response to Consultation: Changes to Confidentiality Clauses

The government has issued its [response](#) to its consultation on proposals to prevent misuse of confidentiality clauses in situations of workplace harassment or discrimination. It now intends to:

- Legislate to ensure that a confidentiality clause (whether in an employment contract or a settlement agreement) cannot prevent an individual from making disclosures to the police, regulated health and care professionals or legal professionals
- Legislate to ensure that the limits of a confidentiality clause are clearly explained in a settlement agreement or written statement of particulars
- Legislate to ensure that individuals receive advice not only on the nature of the confidentiality requirement, but also on the limitations of confidentiality clauses
- Produce guidance on drafting requirements for confidentiality clauses
- Introduce new enforcement measures for confidentiality clauses that do not comply with the legal requirements

We do not yet have draft legislation or details of when the changes will be implemented.

Consultation: Proposals to Reduce Ill Health-related Job Losses

This [consultation](#) focuses on how to support more disabled people and people with long-term health conditions to remain in work. It includes the following proposals:

- A new right to request workplace modifications on health grounds for those employees who would not be covered by the reasonable adjustments duty
- Strengthening statutory guidance to encourage employers to take early, sustained and proportionate steps to support sick employees to return to work
- Reforms to statutory sick pay (SSP), including extending protection to lower earners who do not currently qualify for it and allowing for phased returns to work following sickness absence

Consultation: A New Single Enforcement Body for Employment Rights

The proposal in the [consultation](#) is to bring together the core employment rights where the government currently takes an enforcement role within one body to tackle the full range of non-compliance, from minor breaches right up to modern slavery offences. This new body would also be responsible for enforcing holiday pay for vulnerable workers and regulating umbrella companies operating in the agency worker market, things that the government has already committed to do as part of its Good Work Plan.

The consultation closes on 6 October 2019.

Consultation: Measures to Address One-sided Flexibility

Following recommendations from the Low Pay Commission, the government is [consulting](#) further on “one-sided flexibility” in some parts of the labour market and new measures for workers who have non-guaranteed hours, including:

- Compensation for workers when shifts are cancelled at short notice
- An entitlement to a reasonable period of notice for allocated shifts
- Additional protections for individuals who are penalised if they do not accept last-minute shifts

The consultation closes on 11 October 2019.



This update has been prepared for information purposes only and should not be regarded as a substitute for taking legal advice.