



Littler Global Guide - United Kingdom - Q1 2024

The Global Guide Quarterly (GGQ) is a newsletter Littler publishes on a quarterly basis to provide a general update on global labor and employment (L&E) law developments in key countries in the American, EMEA, and APAC regions. GGQ is designed to provide high-level notice of such developments to help multinational enterprises with cross-border operations stay abreast of important changes within the L&E law framework.

New Entitlement to Carer's Leave

New Legislation Enacted

Author: Kate Richards, Associate

Starting on April 6, 2024, employees (irrespective of their length of service) will be able to take up to one week of unpaid leave in a rolling 12-month period to care for a dependant with a long-term care need. The leave can be taken in full or half days, up to a total of one week. A "dependant" is defined broadly and includes spouses, children, parents, household members, and anyone who reasonably relies on the employee to for care. A "long-term care need" includes illnesses or injuries requiring care for more than three months, disabilities and care for a reason connected to old age.

Employers are not allowed to punish employees for taking or requesting carer's leave, and any dismissal on these grounds is automatically unfair.

Review the regulations, which apply to England, Wales and Scotland, at legislation.gov.uk.

New Regulations Extend Redundancy Protections

New Legislation Enacted

Author: Ben Rouse, Associate

Currently, employees on statutory maternity, adoption or shared parental leave who are at risk of redundancy have priority rights to be offered a suitable alternative vacancy if one exists. New regulations extend this protection to pregnant employees from the point they inform their employer of the pregnancy until maternity leave starts, or two weeks after the end of the pregnancy if they are not

entitled to statutory maternity leave.

The new regulations also extend protection to employees returning from leave for a period of 18 months, depending on the type of leave taken. In maternity leave cases, for the period of 18 months from the date of childbirth. In adoption leave cases, for the period of 18 months after the child is placed with the employee (or enters Great Britain if an overseas adoption). In shared parental leave cases, for the period of 18 months after the child is born or placed with the employee for adoption, provided the employee has taken more than six consecutive weeks of shared parental leave.

Employers should be mindful of these changes when implementing redundancies on or after April 6, 2024.

Review the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 at legislation.gov.uk.

Waiver of Unknown Future Claims in Settlement Agreements Precedential Decision by Judiciary or Regulatory Agency

Author: Laura Lobb, Partner

When seeking to resolve claims between an employee and employer in Great Britain, it is possible for the parties to enter into an effective waiver of claims, provided it meets the statutory requirements of a “settlement agreement”. The law is clear on the types of claims that can be settled using such agreements, but there is some uncertainty about whether future claims can be waived. In a welcome decision for employers, the Scottish Court of Session ruled that it is possible to waive unknown future claims, as long as certain requirements are met, including:

- Meeting the statutory requirements for settlement agreements (e.g., the employee obtaining independent legal advice)
- The agreement relates to a “particular complaint” or “particular proceedings” so that the waiver specifically identifies the relevant claims by description or by including a reference to the section in the statute (so that the agreement is not a general waiver of all / any claims)
- The waiver as to unknown future claims is “absolutely plain and unequivocal” (i.e., the language of the agreement is clear that such claims are covered).

The decision is not binding in England and Wales (although it is in Scotland) but is persuasive and clarifies a long-standing uncertainty. On that basis, we anticipate that English and Welsh courts will follow this judgment in future.

Review the decision at bailii.org.

Changes to Paternity Leave New Legislation Enacted

Author: Kate Davies, Paralegal

On March 8, 2024, regulations came into force in England, Wales and Scotland amending the statutory paternity leave scheme. The amendments do not change the duration of the leave or the level of pay but provide more flexibility for fathers and partners. Key changes include:

- Employees now have the option to split their leave into two separate one-week periods (rather having to take this as one single period of continuous leave of either one week or two weeks).
- The leave can now be taken at any time in the first year after birth or placement for adoption (rather than the first eight weeks).
- In birth cases, employees must still give notice of entitlement 15 weeks before the expected week of childbirth, but only need to give 28 days’ notice of the intended leave dates. However, in adoption cases, the notifications must be made no more than seven days after the date on which the adopter is notified of their match with the child.
- The rules setting out the declarations to be given by the employee have also been amended.

The changes will apply to children whose expected week of childbirth begins after April 6, 2024, whose expected date of placement is on or after April 6, 2024.

Review the regulations at legislation.gov.uk.