

Labour Government scraps law allowing workers the right to request predictable working patterns

Just weeks before it was due to come into force, the Government announced it has no plans to introduce the new right for workers to request predictable working patterns. Read on to find out why and what is coming in its place.

What is the background?

On 18 September 2023 the Workers (Predictable Terms and Conditions) Act 2023 became law. The Act was intended to give workers (and agency workers) a statutory right to request more “predictable” working patterns.

Where eligible, workers would be able to request a more predictable working pattern where their current work pattern lacked certainty in terms of hours, days and/or times worked. “Work pattern” also covered the length of the contract, and a presumption was to be made that a fixed-term contract of under 12 months lacked predictability. However, employers would be able to refuse such requests on a wide range of grounds. You can read our full summary of the proposed right [here](#).

Although the Act had passed into law, its provisions did not come into force straight away. The intention was that it

would take effect on 18 September 2024. In readiness, Acas published a draft statutory Code of Practice which provided further guidance on how employers should handle such requests.

What has changed?

Earlier this month, a spokesperson for the Department of Business and Trade confirmed that the Government had “no plans” to bring the Act into force. The Government has its own plans to address insecure working and intends to go further than providing a mere right to request a fixed working pattern. Instead, it plans to legislate to give workers the right to a new contract that reflects the number of hours worked over a period of 12 weeks or more. The spokesperson said the Government did not wish to confuse employers and workers with two different models, hence the scrapping of the right to request.

The planned right to a new contract will be complimented by proposals to:

- ban “exploitative” zero hours contracts altogether; and
- require employers to give workers reasonable notice of changes to working times or shifts, with a right to compensation where late changes are made.

The full detail of these proposals remains to be seen but all are expected to feature in the forthcoming Employment Rights Bill, which Labour had promised to publish within 100 days of taking power (so by 12 October 2024).

What does this mean for employers?

Some employers may have already prepared new policy documents to reflect the right to request a predictable working pattern. It appears these are no longer needed. To the extent that they have been added to Staff Handbooks, they should be withdrawn, and staff notified.

Employers should watch out for the new Employment Rights Bill to understand the proposed scope of the new right to have a fixed working pattern. For those wishing to be as well prepared as possible, it would be sensible to review the working patterns of staff with variable working hours over the previous three months. This will help you identify the average working week of such workers and the potential scale of the changes you may need to make in future.

BDBF is a leading employment law firm based at Bank in the City of London. If you would like to discuss any issues relating to the content of this article, please contact Amanda Steadman (AmandaSteadman@bdbf.co.uk) or your usual BDBF contact.