Discrimination Law Association Briefings – March 2024

In the latest edition of Discrimination Law Association Briefings, BDBF Associate, Amy Hammond, examines the recent Employment Appeal Tribunal (EAT) case of Blanc de Provence Ltd v Miss Thu Lieu Ha, which addresses the legal principles surrounding harassment related to sex under the Equality Act 2010.

To view the PDF please click on the image below.

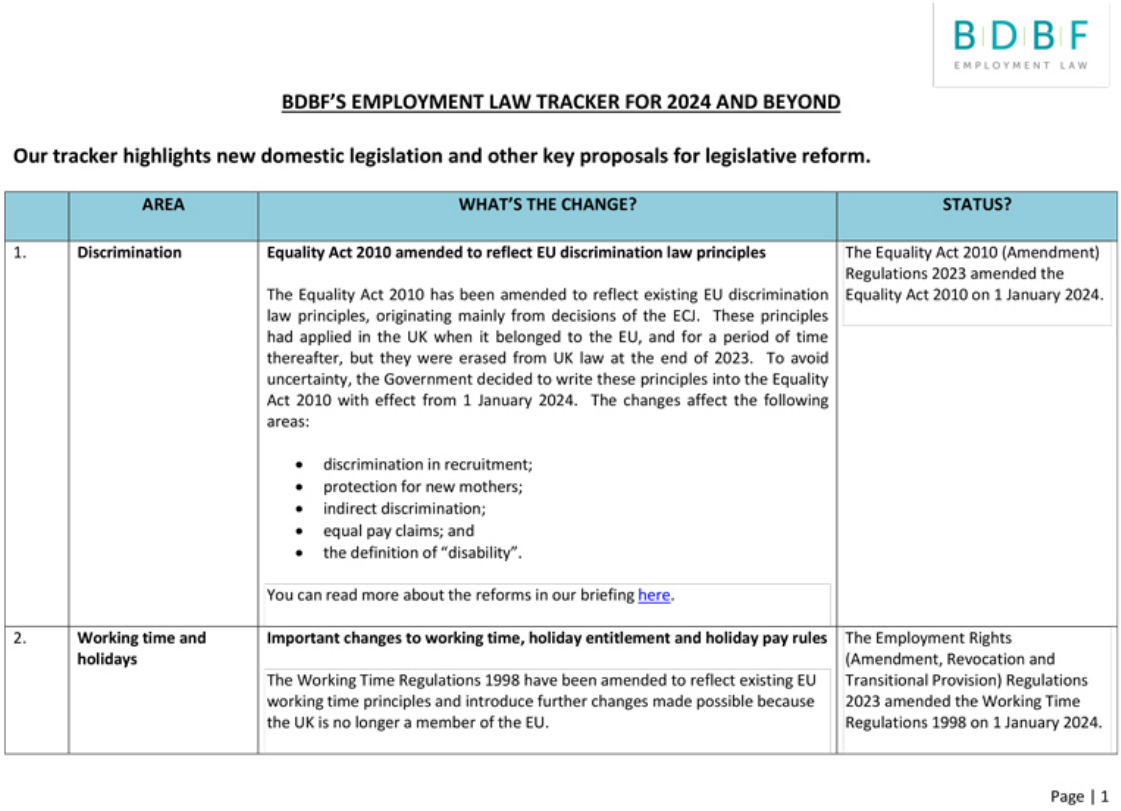
BDBF is a leading law firm based at Bank in the City of London

specialising in employment law. If you would like to discuss an employment related issue, please get in touch with your usual BDBF contact or email info@bdbf.co.uk.

BDBF's Employment Law Tracker for 2024 and Beyond

Our detailed employment law tracker highlights new domestic legislation and other key proposals for legislative reform.

Please click the image below for an at-a-glance guide to all the significant pieces of employment legislation on the horizon, as well as links to more detailed briefings on the most important changes.



BDBF'S EMPLOYMENT LAW TRACKER FOR 2024 AND BEYOND

Our tracker highlights new domestic legislation and other key proposals for legislative reform.

	AREA	WHAT'S THE CHANGE?	STATUS?
1.	**Discrimination**	**Equality Act 2010 amended to reflect EU discrimination law principles** The Equality Act 2010 has been amended to reflect existing EU discrimination law principles, originating mainly from decisions of the ECJ. These principles had applied in the UK when it belonged to the EU, and for a period of time thereafter, but they were erased from UK law at the end of 2023. To avoid uncertainty, the Government decided to write these principles into the Equality Act 2010 with effect from 1 January 2024. The changes affect the following areas: • discrimination in recruitment; • protection for new mothers; • indirect discrimination; • equal pay claims; and • the definition of "disability". You can read more about the reforms in our briefing here.	The Equality Act 2010 (Amendment) Regulations 2023 amended the Equality Act 2010 on 1 January 2024.
2.	**Working time and holidays**	**Important changes to working time, holiday entitlement and holiday pay rules** The Working Time Regulations 1998 have been amended to reflect existing EU working time principles and introduce further changes made possible because the UK is no longer a member of the EU.	The Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023 amended the Working Time Regulations 1998 on 1 January 2024.

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If you would like further information, or to discuss how to prepare for any of these changes, please contact Amanda Steadman (amandasteadman@bdbf.co.uk) or your usual BDBF contact.

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BDBF EMPLOYMENT LAW

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	AREA	WHAT'S THE CHANGE?	STATUS?
1.	**EU-derived employment law**	**Certain retained EU laws to expire on 31 December 2023** The Retained EU Law (Revocation and Reform) Act 2023 provides that around 600 pieces of retained EU law (either contained in statutory instruments or retained directly applicable EU law) will automatically expire on 31 December 2023. The Government's list of retained EU laws to be revoked contains the following employment laws: • The Posted Workers (Enforcement of Employment Rights) Regulations 2016. • The Posted Workers (Agency Workers) Regulations 2020. • The European Cooperative Society (Involvement of Employees) Regulations 2006. Other pieces of retained EU law will stay on the statute books but may be revoked or reformed at a later date. The Government has already opened consultations on proposed reforms to the Working Time Regulations 1998 (**WTR**) and the Transfer of Undertakings (Protection of Employment) Regulations 2006 (**TUPE**). These consultations are discussed at sections 12 and 13 below. Any retained EU law which is kept will be "assimilated" into UK law. In practice this means that certain EU law principles that govern how these rights operate will disappear. On top of this, the continued impact of EU law on UK law will be downgraded, for example, by making it easier for the courts and tribunals to	The Retained EU Law (Revocation and Reform) Act 2023 received Royal Assent on 29 June 2023.

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BDBF Partners recognised in Who’s Who Legal 2023 for Labour, Employment & Benefits

BDBF Partners Gareth Brahams, Claire Dawson and Paula Chan have been recognised as Global Leaders in the Labour, Employment & Benefits field in 2023’s Who’s Who Legal, with Gareth and Claire also selected as Thought Leaders.

BDBF’s team of employment lawyers is top ranked by the leading legal directories, and we’re delighted to see our lawyers recognised by Who’s Who Legal.

Congratulations to our colleagues in the employment law world who have also been ranked this year.

BDBF WELCOMES NEW ASSOCIATE

BDBF is delighted to announce the recent appointment of Rebecca Rubin. Rebecca is the third associate to join the team at BDBF this year, following the recent arrival of James Hockley and Theo Nicou.

AWARD WINNING EMPLOYMENT LAW FIRM BDBF LANDS SLATER & GORDON'S FORMER NATIONAL HEAD OF EMPLOYMENT CLAIRE DAWSON

Top-ranked, specialist employment law firm BDBF today announces the appointment of new equity partner Claire Dawson. She is one of the most highly regarded lawyers in her the field of employment law.

Just Blue Monday, or something more?

The third Monday in January is typically labelled "Blue Monday" and is said to be the most depressing day of the year.

Webinar: 10 things for employers to know about in

2021

Join our lunchtime webinar on 25 January 2021 when we will survey the big changes in employment law coming up in 2021, including reforms to recruitment practices, employment contracts, settlement agreements and family-friendly rights.

Getting ready for employment law reform in 2021: 10 things employers really need to know

It’s been said that death and taxes are the only certainties in life, but employers may wish to add a third – changes to employment law.

BDBF’S 2021 Employment Law Tracker

Our tracker highlights new domestic and EU legislation, key Private Members’ Bills and Government consultations for legislative reform.

Reflecting on employment law cases and developments in 2020

Dealing with the impact of the Covid-19 pandemic on the workforce has held the top spot on the HR to-do list for most of 2020.

Government announces new consultation on restrictive covenants

Does the current law on non-compete clauses stifle the creation of start-ups? And should the law be changed?