The Government and employment law reform: all talk and no action?

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Despite the fact most of the Government's promised employment law reforms have been kicked into the long grass, the appetite to talk about reform in this area shows no sign of let up. In this briefing, we discuss the latest proposals.

The eagle-eyed among you may have noticed that the Employment Bill (first announced back in December 2019) was absent from the Queen's Speech delivered on 10 May 2022. That Bill was meant to pave the way for a number of important reforms including:

- Making the right to request flexible working a Day 1 employment right.
- Extending redundancy protection to pregnant workers and those returning from various forms of family leave.
- Introducing a new right to neonatal leave and pay.
- Introducing a new right to one week's unpaid leave for carers.
- Introducing a new right for workers to request a more predictable contract.
- Introducing a single enforcement body for key employment rights.

It is not clear when, or even if, these reforms will be implemented.

Elsewhere, the Government had committed to regulate the use of non-disclosure agreements, introduce a mandatory duty on employers to prevent sexual harassment and introduce a statutory code governing "fire and rehire" practices. All of these commitments have yet to be delivered. On top of this, the Government has yet to publish its response to the consultation on restricting the use of non-compete clauses in

employment contracts. Several other consultation responses and reviews remain outstanding, for example, the reviews of the family rights, whistleblowing and gender pay gap frameworks.

However, this ever-growing employment law "to do" list has not deterred the Government from yet more talk of reform in this area.

On 10 May 2022, it was announced that Matt Warman MP would lead a review of the "Future of Work" which will look at how to expand the economy after the Covid-19 pandemic. The review is to be conducted this Summer and will look at issues such as the role of automation and how flexibility in the labour market (e.g. in the gig economy) can be used to encourage growth, while also taking action to avoid the use of exploitative practices. Once the review is concluded, a report will be submitted to the Prime Minister to inform strategic policy making on labour market issues.

Hot on the heels of this announcement, on 27 May 2022, the Business, Energy and Industrial Strategy (**BEIS**) Committee launched a call for evidence into the future of the UK labour market. The call for evidence is seeking submissions on the following issues:

- The state of play in the UK labour market post-Brexit and the impact of the Covid-19 pandemic on recruitment, skills shortages, and the growth of the labour market.
- Artificial intelligence and technology in the workplace.
- Workers' rights and protections.
- Employment status and modern working practices five years on from the Taylor Review.
- The impact of an ageing population on the labour market.

Across these five areas, an array of questions are posed, some of which will be of particular interest to employers, for example:

- To what extent is long Covid causing long-term sickness absence and early retirement?
- How should employment rights be improved?
- How should UK workers' rights and protections be differentiated from EU standards?
- Do employment laws need to be updated to reflect the increase in hybrid working?
- How has the demand for flexible working been affected by the pandemic and what should the Government do about it?
- Are current legal definitions of employment status fit for purpose?

If you would like to submit evidence to the BEIS Committee you can do this online by 8 July 2022.

It is not clear what the next steps will be, although the usual practice is for a public consultation to follow a call for evidence. If so, this would mean that we are unlikely to see any reforms until next year at the very earliest. Although, if the Government intends to deliver on its earlier promises, the wait could be even longer than this. With a General Election expected by 2024, the window for delivering concrete reforms before then is beginning to close.

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

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