What does the Queen’s Speech mean for employment law?

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The 2021 Queen’s Speech was delivered on 11 May 2021. In this briefing, we take stock of what it had to say about employment

law reform.

The Queen's Speech in December 2019 outlined the Government's intention to bring forward an Employment Bill delivering change in a number of areas of employment law including:

- The right for workers to request a more "predictable contract".
- Extending redundancy protection to pregnant women and returners from family leave.
- Making flexible working the default for all jobs.
- A new right to unpaid carers' leave.

You can read more about those plans in the BDBF's 2021 employment law tracker. Unsurprisingly, given the onset of the pandemic, the planned Employment Bill did not materialise in 2020. There was no Queen's Speech in 2020.

The 2021 Queen's Speech was delivered on 11 May 2021, but the Employment Bill was conspicuous by its absence. The background briefing notes to the Queen's Speech also made no mention of the Bill and referred only to two employment law matters of interest. First, the employment tribunal process will be aligned with that of other tribunals in the Unified Tribunals structure. Second, there are plans to bring forward measures to address racial and ethnic disparities. In connection with this, the Government is currently considering its response to the report published by the Commission on Race and Ethnic Disparities on 31 March 2021.

Yet it appears that the Employment Bill has not (yet) been abandoned. Just a few days after the Queen's Speech, the Government published its response to the Women and Equalities Committee (**WEC**) report on the gendered economic impact of COVID-19. The Government's response states that the Government is still committed to bringing forward the Employment Bill "when Parliamentary time allows", but this will not be by the end of June 2021 (as the WEC report had

recommended). This was echoed on 25 May 2021 by Paul Scully MP, Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy, when he confirmed that he still intended to bring forward the Employment Bill when Parliamentary time allows.

It's also worth noting that the Government's response to the WEC report also specifically states that:

- The Government will consider making the right to request flexible working a Day 1 employment right (currently, 26 weeks' service is required) and it commits to making flexible working the default position, with a consultation to be published in due course.
- The Government plans to extend redundancy protection to pregnant women and for six months after a mother has returned to work (with similar protection for those returning from adoption and shared parental leave).

Both of these are measures which were to be included in the Employment Bill. The response also confirms that the Government still plans to respond on the consultation on ethnicity pay reporting (which closed on 11 January 2019).

Employers may be relieved to hear that they don't have to grapple with a raft of employment law reforms at the same time as dealing with the recovery from the pandemic and the ongoing fall out from Brexit. However, change is likely to come as part of the Government's "levelling up" agenda and employers should watch out for further news. BDBF will keep you updated on developments as they are reported.

If you would like to discuss any issues arising out of this briefing please contact Amanda Steadman (amandasteadman@bdbf.co.uk) or your usual BDBF contact.

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