

Are there changes ahead in employment law?

The Queen's Speech missed the long-promised Employment Bill, instead the Future of Work review and an inquiry was announced - what does this mean for employers?

07 June 2022

The Queen's Speech, given on 10 May 2022, was notably missing the long-promised Employment Bill. Having been included in the 2019 Queen's Speech, and referred to on numerous occasions since then, its current absence has caused trade union concern about the extent to which the Government holds workers' rights in regard.

Rather than employment legislation being introduced (with the exceptions of potentially new legislation allowing ports to refuse access to ferry services which do not pay the equivalent of the national minimum wage to seafarers whilst in UK waters and a new Modern Slavery Bill), instead, there is to be a further period of review and reflection.

On 12 May 2022, it was announced that Matt Warman MP would be leading a review into how best to support "a thriving future UK labour market". Termed, the "Future of Work" review, it will "inform the government's plans to ensure the UK is equipped with the right workforce, skills and working environment to seize the new economic opportunities of Brexit, Levelling Up and Net Zero". The review is proposed to build on the existing commitments made following the Matthew Taylor Review, published in 2018, with some of these yet to be implemented.

The Terms of Reference for the review confirm that it is to include two phases – the first, a high-level assessment of the key strategic issues on the future of work, and the second, a more detailed assessment of selected areas of focus. The review is to be conducted over spring and summer 2022, followed by a written report with recommendations. The timescales for this written report are not included.

An inquiry has also been launched by the Business, Energy and Industrial Strategy (BEIS) Committee at the end of May 2022. This Inquiry is seeking evidence on a number of topics:

- 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; and
- The impact of an ageing population on the labour market.

Within each of these topics, a number of questions are proposed. Evidence can be submitted to the Inquiry by 8 July 2022. The Committee is specifically calling for evidence which addresses the current challenges being faced and proposes solutions.

Whilst one of the questions within the "Workers' rights and protections" is how workers' rights can be "improved", May also saw a list being published in the press of the nine "most interesting" Brexit opportunities following an appeal by Jacob Rees-Mogg, Brexit Opportunities Minister, to readers to submit ideas. Two employment-related suggestions that made it into the top nine were (i) to remove requirements for agency workers to have all the attributes of a permanent employee; and (ii) to simplify the calculation of holiday pay to make it easier for businesses to operate, neither of which appear to focus on "improving" workers' rights.

There may well be changes ahead in due course – and certainly several have been highly publicised, such as proposals to extend the statutory flexible working regime - but it seems unlikely that anything substantive will be imminent, given the ongoing considerations as to precisely what any changes should look like post-Brexit and post-pandemic.

Contact



Mark Hickson

Head of Business Development

onlineteaminbox@brownejacobson.com

+44 (0)370 270 6000

Related expertise

Employment

Employment and pensions for public sector

Employment services for corporates

Employment services for financial services and insurance

Employment services for healthcare

HR services for schools and academies