

# EMPLOYMENT MATTERS

---

05.01.2024

## Sunday evening racing

The first fixture of the six-fixture pilot of Sunday evening fixtures is scheduled to take place this Sunday, 7th January.

Trainers are reminded that a guide to the additional payments was sent out on Thursday 21 December. It is available [here](#) and includes:

- Summary of process for payments to be made from racecourses to trainers and how they should be passed on.
- Confirmation of the agreement regarding (unpaid) time off to be granted on at least one evening of the three following the Sunday evening worked, if it was off rota.
- Clarification that existing Sunday afternoon arrangements remain in place and that the above are in addition to these rather than in place of them.

Should you have any questions, please contact Dawn Bacchus at [d.bacchus@racehorsetrainers.org](mailto:d.bacchus@racehorsetrainers.org)

We would also like to confirm that we will be surveying members for feedback on the 6 fixture trial of Sunday evenings and hope to gather plenty of feedback. Paul Johnson will also be available at Wolverhampton on Sunday evening should you be there and wish to discuss any specific issues.

---

## Employment Law Changes on the horizon for 2024

There are a number of employment law changes due to come in during 2024, in some instances the draft regulations are before Parliament for approval and in all cases further information will be provided when appropriate and the NTF manual updated. An overview of these is:

## Record keeping

## EMPLOYMENT MATTERS

From 1st January 2024, the requirement to keep records of rest breaks and working hours for compliance with the Working Time Regulations is relaxed clarifying that businesses do not have to keep a record of all daily working hours of all their workers provided the employer is able to demonstrate compliance otherwise. Employers will still need to create, maintain and keep adequate records in a way they think reasonably fit and businesses must keep records of hours worked to show compliance with the National Minimum Wage legislation, so we anticipate that in practice most racing yards will continue to operate their established record keeping processes.

### Equality Act amendments

In force on 1st January 2024, are amendments to the Equality Act 2010 safeguarding various rights which would otherwise disappear from UK law under post Brexit changes. These amendments include confirmation that breastfeeding falls under the protected characteristic of sex and protection for women against unfavourable treatment after they return from maternity leave in connection with a pregnancy or pregnancy related illness occurring before they return. In practice, these changes are ensuring that existing protections are not lost.

### Flexible Working

At present an employee is required to have 26 weeks service before they have the right to apply for flexible working – this will change to a day one right for applications made on or after 6th April 2024. There are also other changes which may or may not come in at the same time including a change to allow two requests in any 12-month period (currently only one is permitted) and not allowing an employer to refuse a request without consultation.

### Carer's Leave

Due to come into force on 6th April 2024 is a new right giving carer's up to one week of unpaid carer's leave in any 12-month period. This will be a day one right, so an employee will not require any length of service to request the leave, and it will apply to employees who have a dependant with a long-term care need where the employee wants to be absent from work to provide or arrange care for that dependant. The employee will have to give a certain period of notice and the employer will have a right to postpone the leave.

## EMPLOYMENT MATTERS

### Redundancy Protection for pregnant employees and those returning from family leave

In a redundancy situation, employees who are on maternity, adoption or shared parental leave have priority over other at risk employees to be offered any other suitable alternative vacancies. Draft regulations have been published which if approved by Parliament would extend this priority to pregnant employees and eligible parents returning from such family leave.

### Predictable Working Patterns

Expected to come into force in September 2024, this will mainly affect atypical workers so zero hours or casual workers who are not guaranteed a particular amount of work by their employer. It will enable workers to be able to request a predictable working pattern. An employer will be able to reject the request on grounds similar to those upon which a flexible working request can be rejected.

### Sexual Harassment

Expected to come into force in late October 2024 is a new duty upon employers to take reasonable steps to prevent sexual harassment of employees. At present an employer has a potential defence to a harassment claim if they can show they have taken all reasonable steps to prevent it. The new legislation will make this a pro-active duty upon employers to prevent sexual harassment in the workplace.

### Migrant workers – Latest update

Migrate UK have kindly provided up with details of UKVI's update on the salary threshold changes for those already in the Skilled Worker route looking to change employers, extend their stay or settle. Further information and guideline will be produced as it is known.

Salary thresholds – these changes will be introduced via Immigration Rules with implementation in April.

Those already in the Skilled Worker route before the Immigration Rules changes should be exempt from the new median salary levels when they change sponsor, extend, or settle. We would, however, expect their pay to progress at the same rate as resident workers; therefore, they would be subject to the updated 25th percentiles using the latest pay data

## EMPLOYMENT MATTERS

when they next make an application to change employment, extend their stay, or settle (£29,000 according to their calculations) This is in line with normal practice

---