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## October 2023 Update

Welcome to this month's update - where we discuss the latest legislation and guidance.

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In this month's edition, we report on:

- The Workers (Predictable Terms and Conditions) Act 2023
  - Workplace absence soars
  - Dealing with menopause in the workplace
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### The Workers (Predictable Terms and Conditions) 2023

The Workers (Predictable Terms and Conditions) Act 2023 introduces a new statutory right for workers to request a more predictable working pattern.

This new right will apply to workers whose existing working patterns lack certainty about their hours or times they work, and to those on a fixed-term contract of 12 months or less.

The Government previously indicated that the qualifying period for this right will be 26 weeks. However, given the aim of the legislation, workers will not have had to have worked continuously during that period.

This new law will also apply to agency workers, who will be able to apply to either the temporary work agency or the hirer company to request a more predictable working pattern, provided they meet the qualifying conditions.

Employers will need to deal with any request in a reasonable manner and notify the worker of their decision in a one-month time frame.

Requests may be refused using a series of specified reasons, which include: the burden of additional costs, detrimental impact on the recruitment of staff or other aspects of the employer's business. In addition, if there is insufficient work during the periods the worker has asked to work this can be a reason to refuse such a request.  
A maximum of two applications will be allowed during any 12-month period.

The legislation will come into force approximately one year after the date of Royal Assent, which will ensure that employers have time to prepare for the changes.

**Employers:** ACAS is putting together a draft code of Practice for guidance.

**Contact us:** we can assist with guidance.

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## Workplace absence soars

The average rate of employee absence due to ill health has risen to 7.8 working days per year in the UK. Prior to the pandemic the average was 5.8 days.

This comes at a time when employers are under increasing pressure with recruitment and retention challenges. Of these total numbers, more than three-quarters (76%) reported stress-related absence in their organisation. Stress was found to be a significant factor for short-term absences and the main reason for long-term absences.

Employers can begin to address this by implementing a preventative approach to workplace health. Managers need to establish an open culture where people can come forward and speak to line managers about health issues at an early stage, so that reasonable adjustments can be considered and support highlighted.

In some cases, using the support of an occupational health professional before an employee goes off ill long-term is beneficial as a plan can be put in place to support.

**Employers:** earlier support is of great value in reducing long-term sickness issues.

**Contact us:** for ongoing sickness advice

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## Menopause in the workplace

With World Menopause Day on the 18 October, a recent survey found that 45 per cent of employees do not feel comfortable in discussing their menopausal symptoms at work.

While menopause is now being discussed more openly in the workplace, employers need to think about how they support employees who are experiencing menopausal systems which are making it hard for them to carry out their normal role.

Employers should consider including “younger women and men” who may not be directly affected by menopause in any “communication” or “educational sessions” so that they have a greater understanding and can support colleagues.

Businesses may well have more support for menopause than they realise. The first step is for employers to look carefully at their existing employee benefits, they may well find that they can create a suite of support for their employees affected by menopause within the benefits they already offer.

Not only does this mean they won't incur any additional costs, but by promoting the support they already have in place they are likely to see engagement and utilisation improve too.

The next step is for businesses is to consider whether they need a menopause policy or add a section into a current policy in a company handbook.

Employers should recognise that menopause is not a “gender issue”, but rather a health and wellness topic that affects the entire workforce. It should not be separated in a policy as something that only affects women, but as an organisation issue.

Women should be encouraged to seek help for managing their symptoms and be made aware of the resources available to them and who to turn to in the business.

**Employers:** check your current health care benefits to see what may already be in place.

**Contact us:** we can support your teams

**For more information or assistance Email:** [caroline@employmentlawsupport.co.uk](mailto:caroline@employmentlawsupport.co.uk)



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