



Beacon HR

Beacon HR Newsletter – October 2024 Employment Law changes



Two new significant employment law changes come into place in October that many businesses, if not all businesses will need to be aware of and take action on.

Allocation of Tips



The Employment (Allocation of Tips) Act 2023 introduces new responsibilities for employers in the service industry or any business where employees may receive tips.

Employers must ensure that all qualifying tips received at their place of business are fairly distributed among workers.



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Key Points:

- All workers, including agency and casual staff, must receive a fair share of 100% of the qualifying tips collected.
- Tips must be distributed by the end of the month following the month in which the customer paid the tip.
- The law applies to employers where qualifying tips are regularly paid or attributed to a place of business, not just on rare occasions.
- Workers can file a claim with a tribunal if their employer fails to distribute tips fairly or misses the deadline for payment.

Next Steps for Employers:

- Employers should establish a clear policy outlining how tips will be fairly allocated, including the method of distribution across different roles.
- This policy must be accessible to all workers.
- Employers are required to keep records of tip distributions for three years.

Prevention of Sexual Harassment



Effective from 26 October 2024, the Worker Protection (Amendment of Equality Act 2010) Act introduces a new legal duty for employers to take reasonable steps to prevent sexual harassment in the workplace.

The Equality and Human Rights Commission (EHRC) has issued guidance to help employers understand their legal obligations regarding harassment and victimisation. The guidance outlines steps to prevent sexual harassment at work and how to respond if it occurs.

Available on the EHRC website, the document titled *Sexual Harassment and Harassment at Work: Technical Guidance* provides detailed assistance and serves as a reference for employment tribunals and courts. It covers the legal framework of harassment and victimisation, the scope of the new duty on employers, and best practices for prevention and response.



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Key Features of the Guide:

- Defines harassment and unwanted conduct, providing examples, and links it to protected characteristics.
- Explains the meaning of victimisation.
- Details employer obligations and liabilities under the Act.
- Highlights the responsibility of employers to take proactive steps to change workplace behaviours and eliminate harassment.

The guidance also addresses complex issues such as third-party harassment, employer liability for off-duty conduct, indirect discrimination, and the harassment of former employees. The EHRC emphasises that non-compliance with the preventative duty may result in enforcement actions, including increased compensation in sexual harassment cases at employment tribunals.

Next Steps for Employers:

To comply with the new law, employers should:

- Develop and communicate a strong anti-harassment policy, covering third-party sexual harassment.
- Conduct regular risk assessments to identify potential areas for sexual harassment and outline steps to mitigate these risks.
- Stay informed about workplace dynamics and any potential issues by engaging with employees through meetings, surveys, and exit interviews.
- Provide training to all staff on what constitutes sexual harassment, how to report it, and how to handle complaints effectively.

If you would like to talk through the above Employment Law updates or require any support in implementing these changes, please get in touch and I can help you ensure you are up to date and compliant –

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