



les réformes du marché du travail en Europe depuis la crise

Le Royaume-Uni 2010 - 2016

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Labour Law Reforms



I. Some Examples

1. Changes to Unfair Dismissal law
2. Employment Tribunal Reforms
3. The New Employee Shareholder 'Status'
4. Regulating "Zero-Hours Contracts"

II. Future: National Living Wage, Trade Union Bill

III. Analysis

I Unfair Dismissal

- **2012: Qualification Threshold Raised**
 - From 1 Year to 2 Years
 - Highest in the EU
 - Impact: at least 3m workers in the 2nd year of employment (!)
- **2013: caps (maximum amounts) significantly lowered**
 - The lower of £ 78,962 or 52 weeks' salary (IV 2016)
 - but NB: median award in reality ca. £4,500

II Employment Tribunal Reforms

- Composition
 - No more lay members on either side in Unfair Dismissal cases
 - **Lack of Industrial Relations Expertise**
- Procedural Changes
 - Compulsory role for Arbitration, Conciliation and Advisory Service
 - **Delay & Cost Implications**
- July 2013: Fees to be paid by Claimants
 - Launch Fees (from £150)
 - Hearing Fees (from £950)
 - **>>> claim volume drops by > 70% in first year (2013-14)**

III Employee Shareholders

- 2012: a ‘radical change to employment law’ (G Osborne)
 - **Shares for Rights**
 - Significant political controversy (Beecroft report, ...)
- **The New Status: Shareholders...**
 - Minimum value £2000
- **... or workers without rights:**
 - Loss of ‘ordinary’ unfair dismissal protection and redundancy pay
 - Weakening of incidental rights

IV Regulating “Zero-Hours Contracts”

- ZHC = contract in which an employer does not guarantee the individual any work and the individual is not obliged to accept any work offered
- **Small Business, Enterprise and Employment Act 2015, s 153**
‘ban on exclusivity clauses’
 - Focus on a Very Narrow Set of Problems (10%, unenforceable)
 - **Legitimizing Precarious Work:** ZHC as a standard arrangement, where employees bear risks of insecurity of work & income

V Future Outlook



- 27 May 2015: Queen's Speech
[New Government's Legislative Programme]
 - **Trade Union Bill 2015-16: New Strike laws**, 50% turnout
+ in health, education, transport, ...: 40% of all those entitled to vote
- **April 2016: The National Living Wage**
 - £7.20/hour for workers >25 years old
 - National Minimum Wage (£6.70) for most other workers

EU Referendum (23 VI 2016), Repeal of Human Rights Act 1998, ...



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Assessing the Reforms

3 Broad Concerns

- Aggressive patchwork reforms
- Little regulatory innovation
- Unpredictable (and often dramatic) impact



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SOURCES & FURTHER MATERIALS

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