



# Workers (Predictable Terms and Conditions) Act 2023

## 2023 CHAPTER 46

### 3 Restrictions on multiple applications to vary terms and conditions

- (1) The Employment Rights Act 1996 is amended in accordance with this section.
- (2) After section [80IL](#) (inserted by section 2) insert—

#### “CHAPTER 4

#### RESTRICTIONS ON MULTIPLE APPLICATIONS UNDER THIS PART

#### **80IM No more than two applications to be made in any 12 month period**

- (1) This section limits the number of statutory applications to vary terms and conditions that may be made by one person (W) to another person (E) during any period of 12 months.
- (2) During any period of 12 months—
  - (a) a maximum of two statutory applications to vary terms and conditions may be made by W to E for the purpose of improving predictability, and
  - (b) a maximum of two applications under section 80F may be made by W to E otherwise than for the purpose of improving predictability.
- (3) For the purposes of this section and section [80IN](#), each of the following is a statutory application to vary terms and conditions made by W to E—
  - (a) an application made under section 80F by W (as the qualifying employee) to E (as the employer);
  - (b) an application made under section [80IA](#) by W (as the worker) to E (as the worker’s employer);
  - (c) an application made under section [80IF\(1\)](#) by W (as the agency worker) to E (as the temporary work agency);

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*Status: This is the original version (as it was originally enacted).*

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- (d) an application made under section 80IF(2) by W (as the agency worker) to E (as the hirer).
- (4) For the purposes of this section a statutory application to vary terms and conditions is made for the purpose of improving predictability if it is—
- (a) an application made under section 80F where—
    - (i) the change applied for related to W’s work pattern, and
    - (ii) the change had, or would have had (if it had been made), the effect of making W’s work pattern more predictable, or
  - (b) an application made under section 80IA, 80IF(1) or 80IF(2).
- (5) In this section “work pattern” has the same meaning as in section 80IA (see section 80IA(2)).

**80IN No new applications while an earlier application is proceeding**

- (1) A person (W) may not make a statutory application to vary terms and conditions to a particular person (E) if another statutory application to vary terms and conditions to E is proceeding.
- (2) For the purposes of this section an application is “proceeding” during any of these periods—
- (a) the period—
    - (i) beginning when the application is made, and
    - (ii) ending when the application is concluded;
  - (b) any period—
    - (i) beginning when an appeal against a decision to refuse the application is brought, and
    - (ii) ending when the appeal is concluded;
  - (c) any period—
    - (i) beginning when, in accordance with section 80G(1C)(b), the decision period for an application or appeal is extended with retrospective effect, and
    - (ii) ending when the application or appeal is concluded.
- (3) For that purpose, an application or appeal is “concluded” when any of these events occurs—
- (a) a decision is made on the application or appeal under section 80G, 80IC or 80IH;
  - (b) the application or appeal is withdrawn;
  - (c) the application or appeal is disposed of by agreement;
  - (d) the decision period specified in section 80G, 80IC(7), 80IH(3) for the application or appeal ends without a decision, withdrawal or agreed disposal.”