



This Week in Employment Law

Prime Minister's Chequers Deal Rejected

EU leaders have unanimously rejected Prime Minister Theresa May's Brexit proposals. Here, we take a look at what this means for employers and the potential implications of Brexit going forward:

- Announced in July 2018, May's proposals would have kept EU trading rules but allowed Parliament not to follow them in special circumstances, allowed movement between the UK and EU for people to study and work and keep links with EU case law on judgements involving Member States.
- This rejection could mean that the UK leaves the EU with a 'no-deal' Brexit.
- A 'no-deal' Brexit would mean that businesses who wish to trade with the EU would have to submit customs declarations, which may require the employment of customs brokers or warehousing.
- A 'no-deal' Brexit also casts doubt over the creation of European Works Councils as the statutory framework for their formation is covered by European law.
- Despite the outcome of the negotiations, EU nationals will be able to remain in the UK by applying for 'settled status' or 'pre-settled status' dependent on length of residency.
- It is also expected that worker rights, such as working time and family friendly entitlements, will remain the same.

Record number of workers being underpaid

Figures from HM Revenue and Customs have identified £15.6m in national minimum wage (NMW) underpayments in 2017/18, with over 600 employers found to have underpaid their workers. This means that the number of employers failing to meet NWM obligations has tripled since 2016/17.

Did you know?

Employers found to have breached NMW requirements can be required to pay back the full amount owed to staff alongside penalties of up to 200% in arrears, with a cap at £20,000. New NMW rates are expected in April 2019 and will be published over the coming months.

Unfair dismissal despite submitting resignation

The Employment Appeal Tribunal (EAT) has ruled an employee was unfairly dismissed as she had submitted a resignation letter to move departments rather than leave the company. The ruling stated that this was the usual procedure for department transfers which her employer was aware of.

Did you know?

Whilst use of the word 'notice' in a resignation letter can signify an unambiguous notification of contract termination, employers should consider the context in which it is used and ensure they fully understand the intentions of the employee to avoid an unfair dismissal.

Labour: paid leave for domestic violence victims

A future Labour government would implement a policy that would provide up to ten days paid leave for victims of domestic violence. The aim would be to give victims time to leave their abusive partners safely and seek further support, thus helping to save lives.

Did you know?

Paid leave for domestic violence victims is not currently a statutory requirement and would have to be approached with care by employers. This would be a very sensitive area and it would be highly advisable for an employer to receive further training and support on this issue if they ever had to respond to it.

Theresa May has requested that the EU provide alternative proposals to her deal but thus far it remains very uncertain what the overall outcome of the negotiations process will be. If you would like further advice from Croner on steps you can take to prepare for Brexit, please call our 24 hour Advisory Service.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.