

## Summer's Over: Issues Employers May Encounter

**The month of September traditionally signals the end of the summer holidays and with that the official start of the new school year. This time can be particularly challenging for employers and we take a look at some of these issues below:**

- **Lateness** – The amount of traffic on the roads is likely to increase, especially around school opening and closing times which may make employees late. Whilst individual circumstances should be considered, employees should be reminded that it is their responsibility to arrive at work on time and to make any necessary arrangements to ensure this is possible. Remember, lateness can be dealt with under the disciplinary procedure.
- **Flexible working** – New school run commitments may cause flexible working requests to increase, as working parents may wish change their working hours so they can drop their children off and pick them up. Employers should consider facilitating these requests where possible unless there is a valid business reason not to.
- **Reduced morale** – As summer is a peak time for annual leave, returning to work after the peak holiday season can leave employees with a case of the 'post holiday blues'. Therefore, to keep up morale, employers may want to consider how performance incentives and team bonding activities can help re-motivate staff.

### Government outlines plans for 'no-deal' Brexit

As negotiation talks with the EU progress, the government has released its plans in the event of a 'no-deal' Brexit. These plans confirm that a 'no-deal' would see all existing EU employment law provisions transferred into UK legislation, meaning workers' rights and protections would largely remain the same after Brexit day.

#### Did you know?

UK law already exceeds the EU minimum requirements in certain areas, such as minimum annual leave entitlement. There have been no suggestions that a 'no-deal' will impact the options for EU workers wishing to obtain settled status, with the application process set to begin shortly.

### Teacher discriminated against on grounds of sexuality

An employment tribunal (ET) has ruled that a homosexual male primary school teacher found to have given chocolate to a young male pupil after previous incidents resulted in instruction not to be alone with a child, was discriminated against. The ET found that the school held his actions to be the early stages of grooming, and would not have done so if the employee was heterosexual.

#### Did you know?

Under the Equality Act 2010, individuals will suffer sexual orientation discrimination if they are treated less favourably than a heterosexual person would have been.

### New rules on payment of NMW penalties after a TUPE

New rules on HMRC national minimum wage enforcement (NMW) mean that employers who have gained staff after a TUPE are now liable for penalties attached to NMW underpayments, even if the underpayment was made by the old employer before the transfer.

#### Did you know?

Under previous rules, the penalties arising from NMW underpayments found after a TUPE has taken place would be levied against the previous employer. Now the new employer must pay the penalty, which can equal 200% of the underpayments which are found, even though they were not involved.

The post-summer period can be a hectic month for employers as employees settle back into work after the peak holiday period. If you're dealing with a team of employees whose morale appears to be dipping, speak to our Advisory Team who will be able to make useful suggestions to get your employees back to peak productivity.

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