

This Week in Employment Law

‘Good Work Plan’ will bring significant change to employment law

Following on from the Taylor Review into the UK’s modern working practices, the government has released its ‘Good Work Plan’ which outlines some major changes to employment law. We give you a rundown of the plan here, and take a closer look at three of biggest changes below:

- From April 2020, all employees will be entitled to a written statement of terms from day one of employment, instead of having to wait a month. More information will become a mandatory inclusion in the statement.
- The right to a written statement will be extended to all workers, as well as employees.
- All workers will have a right to make a request for stable hours or days of work after 26 weeks’ service.
- The use of Swedish Derogation Model contracts for agency workers will be banned from April 2020, and all agency workers on this contract must be given a statement explaining the changes.
- Clarity will be provided around the tests that are used to determine whether someone is an employee, worker or self-employed.
- In April 2020, the holiday pay reference period will be extended from 12 weeks to 52 weeks for workers whose pay varies.

Right to request a more stable contract

Everyone will be given the right to request a more stable contract after 26 weeks’ service. This means that staff in zero-hour roles, for example, may ask for a more fixed working pattern including a guaranteed minimum number of hours per week or greater certainty on the days on which work will be provided.

Did you know?

It is expected that the ability to request a more stable working arrangement will work in a similar way to the current flexible working request. If so, employers will have to consider the request but will have the ability to decline it on certain business grounds.

Day one right to a written statement of main terms

Instead of having to wait a month, employees will have a right to a written statement of main terms from day one of employment. Those in the category of ‘worker’ will, for the first time, have a legal right to be given written confirmation of the terms which apply to their work.

Did you know?

The Employment Rights Act 1996 already sets out a list of mandatory inclusions for the written statement. This will be changed and employers will be required to include extra details on, amongst other things, maternity leave, eligibility for sick leave and the conditions of any probationary period.

Ban on Swedish Derogation Model agency contracts

The use of Swedish Derogation Model contracts for agency workers will become unlawful. Using these contracts means avoidance of the equal pay requirement in the Agency Worker Regulations 2010 but provides for pay between assignments.

Did you know?

It will no longer be permissible for agencies to engage their workforce using this type of contract; pay which is equal to comparable direct recruits at the end user will have to be provided after 12 weeks. Agencies will have to review their current contractual arrangements to identify any need for change.

Managing workers’ rights can be difficult at the best of times, however, the Government’s Good Work Plan creates many more obligations and red tape than before. To make sure you are not unknowingly withholding rights from any of your staff, give us a call using 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.