

This Week in Employment Law

Do You Record Daily Working Hours for All Employees?

A recent preliminary opinion given by the Advocate General may have significant consequences on an employer's obligation to keep records of employees' working hours. We take a closer look at what this could mean below:

- A Spanish trade union claimed at the European Court of Justice (ECJ) that employers should have a system in place that records employees' daily working time.
- Before the ECJ gives its ruling, the Advocate General (AG) gives a preliminary opinion. In this case, the AG said the European Working Time Directive requires employers to record the daily working hours of all employees who have not agreed to do overtime. Without this system, he said, how can employers be sure they are not breaching the law on rest breaks.
- Whilst the Working Time Regulations 1998 place certain requirements on UK employers, it does not currently ask employers to record all aspects of working time, including compliance with statutory minimum rest breaks.
- If the ECJ agrees with the AG, employers would have to ensure they have systems in place to capture daily working hours for affected employees.

Leading firms make ethnicity pay gap pledge

15 of the most prominent UK employers have pledged to voluntarily produce an ethnicity pay gap report and have encouraged other businesses to do the same. This move follows a study by 'INvolve' which highlighted the lack of ethnic minorities working in senior leadership positions within FTSE 100 companies.

Did you know?

It may become mandatory for employers to publish an ethnicity pay gap report in the future. It is likely to mirror gender pay gap reporting, meaning employers may have to calculate the average difference in pay between staff of different ethnicities.

Airline drops mandatory makeup for cabin crew

Virgin Atlantic has told female cabin crew they will no longer have to wear makeup at work. Female staff will also be able to wear trousers as part of their uniform for the first time as the company looks to address potentially discriminatory dress code practices which have become commonplace in the air travel industry.

Did you know?

Government guidance on dress codes has stated that although requirements for men and women do not have to be identical, the standards imposed must be equivalent. Employers who fail to follow this could face potential sex discrimination claims.

Private hire taxi drivers claim race discrimination

A group of London's private hire taxi drivers have claimed the decision to require them to pay a congestion charge, whilst making drivers of black cabs exempt, is race discrimination. They claim this disproportionality impacts private hire drivers, 94% of whom are from an ethnic minority background.

Did you know?

Indirect discrimination occurs when a business practice disproportionately impacts individuals with a certain protected characteristic. It is possible to justify this so long as you can prove that it is a proportionate means of achieving a legitimate business aim.

In advance of the ECJ ruling on recording working hours, employers may wish to assess whether they have systems in place that can record how many hours employees work each day. For more information on this, or if you have questions on current working time rules, 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.