

ECJ Set New Rules on Recording Working Time

A new ruling by the European Court of Justice (ECJ) creates new obligations for employers when recording working hours and may require employers to review their current practice. Join us as we take a closer look at the key facts below:

- The ECJ held that employers must record the number of hours worked each day by its workers including paid and unpaid hours, normal or overtime, whether contractual or not.
- They must have an 'objective, reliable and accessible' system in place that records the full duration of time worked.
- The ECJ found this was vital in making sure workers receive the right amount of rest and did not exceed weekly working time limits.
- A recording system will also act as proof of compliance with working time laws during any investigations.
- Although this is a ECJ ruling, it remains binding on UK law as it has taken place before the UK leaves the EU.
- Under the Working Time Regulations 1998, employers have to keep 'adequate' records of working time, but there are no rules on recording rest breaks and rest periods.
- Employers should review existing business practices to make sure that they can measure daily working time in accordance with the ECJ ruling and, as such, ensure that the law on minimum rest time is not breached.

47 gender pay gap offenders 'named and shamed'

The Equality and Human Rights Commission (EHRC) have 'named and shamed' the 47 organisations that failed to publish their latest gender pay gap reports on time. Those adjudged to be breaking the law will be told to publish their figures immediately, or risk facing an unlimited fine.

Did you know?

The government are committed to taking firm action against those who fail to comply with the gender pay gap reporting requirement and the negative impact of being included on the EHRC's 'naming and shaming' list is designed to encourage continued participation from employers.

68% of LGBT staff sexually harassed at work

More than two-thirds of LGBT people in the UK have experienced sexual harassment at work according to a survey by the Trade Union Congress (TUC). These results show that more needs to be done to protect LGBT staff from discrimination at work.

Did you know?

It is important to create a safe and welcoming environment for all employees and failing to prevent hostile behaviour will leave you open to claims of harassment. Whilst some staff may try to pass off their behaviour as 'workplace banter', this should not be accepted as an excuse.

Pensions Regulator plans short notice inspections

The Pensions Regulator (TPR) has announced plans to conduct a new round of short-term inspections to look into employers who are suspected of acting unlawfully, including failing to place staff into an auto-enrolment pension scheme or providing incorrect pension contributions.

Did you know?

It is mandatory for employers to take part in inspections at the request of TPR as obstructing an inspection, or failing to provide information when required to do so are criminal offences. Non-compliance could also result in substantial fines and court action.

Time recording is seen as vital for a business in terms of making sure staff comply with their contracted hours, all the while ensuring they do not breach any restrictions under the Working Time Regulations 1998. If you have any queries about recording working time, or this most recent ECJ ruling, make sure to 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.