

This Week in Employment Law

Queen's Speech Confirms Future Immigration Legislation

Opening a new session of Parliament, the Queen has outlined upcoming legal developments that employers should be aware of, including confirmation of a points-based immigration system for all EU citizens arriving in the UK from 2021. We take a look at what the implications of these developments are in more detail below:

- Freedom of movement will end post-Brexit and, after January 2021, all EU citizens arriving in the UK will be subject to the same UK immigration controls as non-EU citizens. This will not apply to individuals from Ireland.
- A new Bill will be introduced to ensure that tips are 'distributed fairly' to 'those who work hard to earn them'. Employers in relevant sectors, such as hospitality, will have to follow a statutory code of practice on tip distribution.
- The powers of the Pensions Regulator will be enhanced so it can respond earlier if employers are not taking their pension enrolment responsibilities seriously.
- In addition, reforms are expected to continue to deliver on the commitments of the Good Work Plan.
- These include ensuring that employees who want to work flexibly are not unfairly prevented from doing so, stricter enforcement to prevent poor treatment of workers and better support for working families.
- The Queen also reaffirmed upcoming increases to the National Living Wage alongside the lowering of age thresholds.

97% of parents want transparent family leave

A study from charity, Working Families, shows that parents and carers are overwhelmingly in favour of employers publishing their family leave policies online. 97% also agree that advertising jobs with flexible working options is helpful for recruiting and retaining staff.

Did you know?

There is currently no legal obligation on employers to publish family-friendly or flexible working policies online. That said, the government has run a consultation asking for views on whether a duty should be introduced for organisations with at least 250 employees to do this. This closed on Friday 11 October.

1.5 million EU nationals granted 'status' in UK

1.8 million EU nationals have submitted applications under the EU Settlement Scheme. Of those, 1.5 million have been granted status meaning that they will be able to continue working in the UK indefinitely. Current estimates show that approx. 3.7 million EU nationals live in the UK.

Did you know?

In the event of a Brexit deal, applications to the Scheme will close on 30 June 2021 for those in the UK by 31 December 2020. In the event of a no-deal, EU workers in the UK by Brexit date will have until 31 December 2020 to apply. Brexit date currently stands at 31 October 2019.

Employee 'blackmailed' into signing restrictive covenant

The employment tribunal has held that an employee was unfairly dismissed after false allegations were made against him to pressure him into signing an extended restrictive covenant. This would have served to stop him joining a potential competitor for 24 months.

Did you know?

It is not unlawful to ask employees to sign a restrictive covenant in order to protect business interests. That said, such agreements are only enforceable when they go no further than reasonably necessary. 24-month covenants are unlikely to be deemed as such aside from in exceptional circumstances.

The Queen's speech delivered no significant surprises; simply confirmation of developments already announced. That said, employers need to ensure that they are familiar with all legal changes going forward that could affect them. Our 24 hour Advisory Team can help make sure a company's policies and procedures are fully up to date.

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