

Neo-natal leave confirmed by Government

Following a consultation exercise on enhancing entitlements to time off for parents, it has been confirmed that a brand new right to neo-natal leave will be introduced. Here, we take a look at what will be involved:

- Mothers are currently entitled to a maximum of 52 weeks' leave when they have a baby; fathers and mother's partners get a maximum of two weeks' paternity leave.
- Recent campaigns have asked the Government to provide more leave to parents who spend all of, or a portion of, their current leave entitlement at the hospital with their baby who is too ill to be discharged after being born.
- The Government has confirmed that this will now happen – the introduction of neo-natal leave will mean that maternity and paternity leave is extended to provide more time off to parents in this situation.
- For every week that a baby must stay in hospital after their birth because they are not well enough to be discharged, parents can add an extra week of leave on to maternity and paternity leave, to a maximum of 12 weeks.
- This will only apply where the baby must remain in hospital for more than one week.
- Leave will be paid at around £160 per week, subject to eligibility criteria.
- The Government will fund this, rather than the employer.

SSP rules to be relaxed for Coronavirus

A pack of emergency legislation will be enabled to allow the UK to respond appropriately to a wider Coronavirus outbreak. One measure will ensure that statutory sick pay (SSP) is paid from day one of sickness absence rather than the fourth day for those who contract the virus.

Did you know?

SSP is normally payable from the fourth day of sickness absence, provided that the employee also meets other eligibility criteria. Initial indications are that the relaxation of SSP rules will only apply to those who have the virus, rather than those who are self-isolating as a precautionary measure.

ET: "Self-employed" builders were employees

The employment tribunal (ET) has held that two builders who had signed contracts that made them self-employed were in fact employees. Although their contracts allowed freedoms generally associated with being self-employed including the right to substitute, the ET found that, in practice, those freedoms could not be exercised.

Did you know?

Employment Judges will look behind the wording of a contract to find the reality of the situation when determining employment status. Where a contract purports to allow certain freedoms, these must be supported by the practical reality otherwise they will be held to have no value.

EAT: employee not dismissed over Sunday working

When Morrisons Supermarket offered an employee a job on 43 hours a week including Sundays, he told them that he did not want to work on Sundays. Morrisons reduced the number of hours; the claimant refused to accept the reduced hours and Morrisons withdrew the offer. The claimant claimed automatic unfair dismissal for opting out of Sunday working.

Did you know?

The Employment Appeal Tribunal (EAT) held that the reason for the withdrawal was the Claimant's refusal to accept lower weekly working hours, and not because of opting out, so there was no automatic unfair dismissal.

Neo-natal leave is the latest move by the Government in addressing the work-life balance, enabling employees to better manage their commitments both inside and outside of work. More information on entitlements for parents, 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.