

April changes to employment law

In early April, a number of changes to the law were introduced as a result of the Good Work Plan. We take a closer look at these below:

- Statements of main terms and conditions (SMT), which list all key terms of employment, now need to be provided to employees by day one of employment. For the first time, 'workers' (including casual and zero hour workers) should also receive a statement by day one of their engagement and more information needs to be included.
- The holiday pay reference period has been increased. This means that, when calculating holiday pay for staff whose pay varies, a 52 week reference period should be used to find the average pay instead of 12 weeks.
- Agency workers now have the right to receive a 'key information document' that provides information on the type of contract they will be engaged under.
- Swedish derogation model contracts, which provided a legal loophole to agency workers receiving equal pay treatment, are no longer permitted. Employed agency staff previously engaged under this model should receive a written statement confirming the change by 30 April 2020 at the latest.
- Parental bereavement leave, giving parents the right to take up to two weeks of leave following the loss of a child under the age of 18, or a stillbirth after 24 weeks, has been introduced.
- There were increases to statutory rates including statutory sick pay, maternity pay, guarantee pay as well as tribunal compensation.

Guidance on apprentices and furlough

The government has confirmed that apprentices can still undertake training from training providers whilst on furlough under the Job Retention Scheme. They must get at least the appropriate minimum wage for the time they spend training, which may not all be covered by the 80% wage reimbursement under Scheme.

Did you know?

Apprentices, of any age, who are in their first year, or all those under the age of 19, are entitled to an 'apprentice rate' of minimum wage, which from 1 April 2020 is £4.15 per hour. All other apprentices must receive at least the national minimum wage relevant to their age.

Right to work checks temporarily changed

Due to the coronavirus outbreak, employers can now receive scans or photos of documents necessary to prove right for work in the UK, and then compare them to the originals via video call with the person in question. A retrospective check should then be conducted once the crisis has passed.

Did you know?

Employers are placed under a legal duty to prevent illegal working and can be subjected to penalties where they fail to do so. A criminal offence will be committed where an employer employs an individual and they have 'reasonable cause to believe' they do not have the right to work in the UK.

Morrisons not liable for employee data breach

The Supreme Court has found that an employee who leaked staff data whilst conducting his role had done so due to his own personal vendetta. Morrisons were not at fault for the data breach as the employee had not been acting in his capacity as an employee when he committed this act.

Did you know?

Employers can be liable for acts committed by their employees if it is found that their actions are sufficiently connected to their employment. For this reason, it is important for employers to set out to employees exactly what is considered to be unacceptable behaviour.

The April changes to statements of main terms represent the first major overhaul to laws in this area for many years. To make sure your business has correctly implemented all of the April changes, 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.