

## List of companies using furlough released

**The Government has published a list of companies who made claims to the Job Retention Scheme for the month of December 2020. We explore what employers should know below:**

- The Government announced last year that it would be publicising details of companies who have claimed the furlough grant.
- Currently, 740,000 names are listed, however another list is expected later this month which will give an indication of the value of the claims, company numbers, and who has used the scheme in January 2021.
- Company details may be withheld if HMRC are satisfied that publishing the names will expose an individual associated with the business, or anyone living within them, to serious risk of violence or intimidation.
- If employers think that a serious risk of violence or intimidation will come from publicising their company details, they can submit a request to HMRC for exclusion.
- The purpose of this list is to increase transparency surrounding the use of the scheme, likely to prevent against fraudulent claims.
- It is therefore vital that employers who wish to claim under the scheme before it ends on 30 April 2021 ensure they are doing so correctly.
- Employers may seek further advice if there are any parts of the scheme they are unclear on, or contact HMRC if they have overclaimed so as to avoid furlough fraud penalties.

### UK's post-lockdown future still unclear

Boris Johnson has stated that a plan to take England out of lockdown will be published in the week commencing 22 February 2021. However, schools will remain closed until around 8 March 2021. Scotland's lockdown will remain in place for now, with phased return for schools from 22 February 2021. In Wales, level 4 lockdown will remain for the next 3 weeks with another review due around 19 February 2021. Schools could start a phased return from 22 February 2021.

#### Did you know?

Employers may now wish to evaluate the effectiveness of the measures they have in place for lockdown and working parents, and fine-tune them for longer application.

### Workers' rights no longer facing review, Minister says

There have been several reports indicating that the Government was giving serious consideration to the possibility of easing regulatory restrictions in areas such as employment law. Now, Business Secretary Kwasi Kwarteng has confirmed, during a television interview, that a possible review of employment rights – such as on working hours and breaks – carried forward from EU law will not go ahead.

#### Did you know?

A clear path to how the Government will move forward now that a review is no longer on the table is unclear. Employers should therefore prepare for any possible outcome – for example, strengthening of existing rules.

### EAT considers if a policy was discriminatory

The Employment Appeal Tribunal (EAT) has remitted a case back to the Tribunal after considering whether a policy that removed contracted rest days due to the taking up of parental leave was indirectly discriminatory against women. It was held that in order to determine whether men and women were equally disadvantaged by the policy, specific evidence was needed as to the number of men with childcare responsibilities compared to women.

#### Did you know?

Indirect sex discrimination occurs when a provision, criterion or practice puts one sex at a disadvantage to the other; or is not proportionate to reaching a genuine aim.

The extra accountability that comes with the publication of employers' names makes it even more important to get claims to the Job Retention Scheme correct. Our 24-hour Advisory Service is on hand to provide up-to-date guidance on this and more.

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