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*This Week in Employment Law*

**29-03-2021**

## The NLW and NMW will change from 1 April 2021

**Employers are reminded that there will be some changes to both the National Living Wage (NLW) and National Minimum Wage (NMW) from 1 April 2021. We explore what employers should know below:**

- It was announced on 25 November 2020 that the NLW will increase by 2.2% to £8.91 per hour for pay reference periods starting on or after 1 April 2021.
- The Government has also reduced the age threshold of those entitled to NLW from age 25+ to 23+.
- This means workers entitled to NMW will be those aged over the compulsory school age to 22 (plus eligible apprentices).
- Workers aged 21 to 22 will begin to earn £8.36 an hour.
- Workers aged 18 to 20 will begin to earn £6.56 an hour.
- Workers aged over the compulsory school age to 17 will begin to earn £4.62 an hour.
- Apprentices under 19, or 19+ but in the first year of their apprenticeship will begin to earn £4.30 an hour.
- It is important that employers pay staff the correct national wage rates for their age groups or risk facing serious repercussions for failing to do so, e.g. unlawful deductions from wages claims, fines from the Government, and/or being "named and shamed" as a "rogue" employer.
- Employers should have particular focus on making sure staff who are 23 and 24 years old are not excluded from receiving the NLW from this date onwards.

### The rapid testing programme has been expanded

It was announced by the Government on 28 March 2021 that the COVID-19 rapid testing programme will be expanded to allow employers who cannot offer testing on-site, and who have more than 10 employees, to have staff test themselves at home. If they are eligible, employers must register their interest for the programme by 12 April 2021; the test kits will be available for free until 30 June 2021.

#### Did you know?

Expanding this programme will likely encourage more employers to take part in mass testing their employees who cannot work from home – especially those who would not have the space to test at the workplace.

### TUC asks government for new laws to curb AI mishaps

A new report, carried out for the TUC by employment rights lawyers from AI Law Consultancy, argues that there are huge gaps in British law and it is failing to keep pace with the rapid expansion of Artificial Intelligence (AI) in the workplace. The TUC has therefore called for new legal protections to curb the potential of discrimination arising in the workplace from the use of AI, e.g. in recruitment.

#### Did you know?

A response from the Government is still pending. However, new laws around the use of AI in the workplace may give employers some clarity on how to fairly utilise AI technology and ultimately avoid costly tribunal claims.

### Asda staff win equal pay victory at Supreme Court

By a unanimous decision, the Supreme Court has now dismissed Asda's appeal, holding that the mostly female shopfloor staff can compare their role with that of mostly male warehouse staff. This is a preliminary decision in a case involving shopfloor staff seeking compensation on the basis that they received less pay than a valid comparator for the same work. This decision, however, doesn't mean the claims for equal pay succeed.

#### Did you know?

Asda still needs to prove that there's a genuine material factor to justify paying its staff differently. The claimants also need to prove that their work is equal to that of the warehouse staff.

If employers have a pay reference period that begins on or after 1 April 2021, they must ensure that the correct wage rates are being paid to staff from this date onwards. Contact our 24-hour Advisory Service for 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.