



This Week in Employment Law

18-07-2022

Government backs neonatal leave and new law to protect staff tips

On Friday last week the government gave its backing to a new statutory right to neonatal leave and pay and reforms making it unlawful for employers to withhold tips from staff.

- The Employment (Allocation of Tips) Bill, introduced by Dean Russell MP, passed its second reading in Parliament last week.
- The Bill will make sure that all tips go to staff by making it unlawful for businesses to hold back service charges from their employees.
- Through the Bill, a new statutory Code of Practice will be developed to provide businesses and staff with advice on how tips should be distributed. Workers will also have a new right to request more information relating to an employer's tipping record, enabling them to bring forward a credible claim to an employment tribunal.
- There is no timeframe for when this will be passed into law, although it is unlikely to happen for several months, maybe longer.
- The Neonatal Care (Leave and Pay) Bill also passed its second reading in Parliament last week. Neonatal care leave will apply to parents of babies who are admitted to hospital up to the age of 28 days, and who have a continuous stay in hospital of 7 full days or more. This new right is not expected to come into force until 2024 at the earliest.
- There are many more stages for both Bills to go through before they come into effect. For now, employers should keep an eye on developments so that they can be prepared if these new rights are introduced.

Rail strikes confirmed for July and August

Further rail strikes have been announced for 27 July, 30 July, 18 August and 20 August 2022. The mornings after the strike days will also be affected because trains are not in the right place from the night before. Employers may already have plans in place to manage disruption based on how they handled the rail strikes at the end of June, but it's beneficial to use this time to speak with staff again and see if alternative arrangements can be agreed.

Did you know?

Steps employers can take to support staff and minimise disruption to their business include temporary homeworking or flexible working, agreeing annual leave or discussing car pooling.

Unions call for maximum workplace temperature

In light of the unprecedented red weather warning in place for parts of England this week, unions are calling for a maximum workplace temperature to be introduced. At the moment, there is no legal maximum temperature, but employers must ensure the workplace remains safe and comfortable. The TUC wants there to be a requirement to stop work if indoor temperatures reach 30C, or 27C for those doing strenuous jobs.

Did you know?

Employees can refuse to work if their workplace poses a serious and imminent threat to their health. Employers should fully consider any concerns raised and make adjustments where necessary.

Court of Appeal overturns Tesco 'fire and rehire' ban

The Court of Appeal has overturned a previous decision by the High Court that banned Tesco from dismissing a number of its distribution staff and offering to re-engage them on less favourable terms and conditions. Tesco is seeking to remove a specific contractual right to Retained Pay. The Court of Appeal said there was nothing in the contract to prevent Tesco from giving notice to terminate it in the usual way.

Did you know?

This is unlikely to end the dispute as Usdaw, the union which brought the claim on behalf of the Tesco workers, said it will seek leave to appeal the decision to the Supreme Court.

Hospitality employers should ensure that their tipping practices are fair, transparent and do not breach National Minimum Wage requirements. 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.