

Right to work checks changing

On 1 October 2022, the process for checking the right to work of British and Irish citizens is changing, but almost half of UK businesses are not prepared.

- During the Covid pandemic, the government introduced 'Coronavirus temporary adjusted measures' which allowed employers to digitally check right to work by asking staff to send a picture or scanned copy of their document (e.g. passport) then confirming identity through an online video call.
- This process is due to end on 30 September 2022 and will no longer be a lawful means of checking an employee's right to work.
- From 1 October 2022, employers can complete a manual check of British and Irish citizens' documents; this can be done by asking the person to bring in an original copy and confirming, in-person, that it is valid.
- Alternatively, employers can engage an Identity Service Provider (IDSP) to complete a digital right to work check on their behalf using a new system called Identity Document Validation Technology (IDVT).
- A list of certified IDSPs is available on the government website.
- IDVT can only be used to complete a right to work check of British and Irish citizens. When checking the right to work of foreign nationals, employers should either complete a manual check (where available) or an online check using the Home Office's online checking service.
- Employers will not have access to IDVT; they must liaise with an Identity Service Provider (IDSP) to complete the digital check.

Further train strikes announced

Drivers at 12 rail companies are set to strike again on 1 and 5 October 2022, affecting train journeys across the UK. Whilst most employers will have already managed the impact of train strikes on their organisation, it's important they meet with staff again and, where necessary, agree alternative arrangements. All parties shouldn't assume the same plans will be in place as they were before, as changes could be necessary.

Did you know?

Liz Truss proposed to mandate a minimum level of staffing during strikes, to avoid disruption to essential public services. It remains to be seen whether new legislation will come into effect.

Reminding staff to use remaining annual leave

Research has shown that some office workers will not be able to take all of their annual leave by the end of the year due to absences and staff shortages. Employers who operate a January-December leave year should remind staff to utilise remaining leave, as there are now only a few months remaining. Where requests are refused, employers may have to allow staff to carry over unused annual leave into the next holiday year.

Did you know?

Employers have an obligation to make sure that their workers have an adequate opportunity to take their holiday. This forms part of their wider duty of care requirements that staff get sufficient rest.

Forced relocation amounts to constructive dismissal

A former M&S employee worked in one store for 15 years before it closed. A new store opened, so M&S told workers they had to relocate. The employee had anxiety when using public transport so refused to relocate. Following this, he was invited to a disciplinary hearing and was told dismissal was an option. He resigned before the hearing, stating he had been left with no choice but to consider himself constructively dismissed.

Did you know?

M&S argued that the employee had unreasonably refused an offer of suitable employment, but the ET upheld his claim, saying his mental health and safety concerns made the offer unfeasible.

Employers have a legal obligation to complete a right to work check on every new employee. 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.