

This week in Employment Law

All change for employment law?

Last week, the Government published its response to Matthew Taylor's review of modern working practices. The review, which was commissioned as a result of complaints from workers about their alleged exploitation at the hands of their employers, made several suggestions for change. The Government has taken up many of Taylor's recommendations and is looking to make changes in several areas discussed in this factsheet:

- **Employment status:** The Government will consider how employment status - whether someone is an employee, worker or self-employed - should be established and is seeking views on whether to implement new laws to help provide clarification;
- **Agency workers:** The Government will look into the operation of the current loopholes in agency worker laws which allow employers to avoid paying them the same as someone who is directly recruited;
- **More rights for workers:** People who fall into the category of 'worker' are to get a statutory right to a written contract which must contain certain pieces of information and a right to receive a payslip.

New fines for employers who breach laws

Currently, employers must pay a fine of up to £5000 when they lose an employment tribunal claim where aggravating features were involved e.g. where action was deliberate or done with malice. The Government will look to progress with Taylor's recommendation to quadruple the current fine to £20,000.

Did you know? The Government will also start to "name and shame" employers who do not pay compensation awarded by a Tribunal.

Did you know? Under current rules, employers may also be fined if they lose a claim and have a dedicated HR function meaning that, in essence, they should have known better.

Flexible workers in line for more stable pay and contracts

The Government will also take measures to remove the issues that "one-sided flexibility" can cause for people who work on contracts which do not guarantee any hours of work.

Did you know? A new level of national minimum/living wage is being considered for people who have no guaranteed hours of work under their contract. This level will be higher than the current highest rates.

Did you know? All workers will have a right to request a more predictable contract, including those on zero hour contracts and agency workers. This is, however, just a right to request predictable hours.

Govt wants increase in take up of shared parental leave

Government statistics show that, since its introduction in 2015, only 2% of eligible couples have taken shared parental leave. In order to improve the uptake, the Government is launching a "Share the joy" initiative. This aims to increase awareness of the right by advertising it online, through social media and in adverts placed in commuter areas such as train stations. Employers should therefore ensure procedures are in place for dealing with more requests.

Did you know? The Government intends to extend the right to take shared parental leave to working grandparents.

Shared parental leave is a complicated system and employers should have robust administrative processes in place to ensure its smooth running, particularly as take up may well increase. We can provide you with all the paperwork you need! Ensuring you have procedures in place for dealing with employee rights is paramount given the fines involved for losing an employment tribunal claim – in addition to employee compensation – are likely to quadruple.

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