

This week in Employment Law

EU Nationals Given Details on How to Remain in UK After Brexit

The Government has recently published details on the online system EU nationals will need to use to obtain permission to remain in the UK after Brexit. Here, we take a look close look at the announcement:

- EU nationals and family members who have been in the UK for five years by the end of 2020 will be able to apply for “settled status” giving the permission to remain in the UK;
- The scheme is compulsory for all EU nationals (except Irish nationals) living in the UK if they wish to stay;
- Those who have not reached five years’ residency by the end of 2020 can apply for “pre-settled status” allowing them to remain in the UK until they reach the five year point at which they can apply for “settled status”;
- To apply, EU nationals must provide photographic ID, disclose any criminal convictions and confirm their current living arrangements in the UK;
- Applications will cost £65 for adults and £32.50 for children and are to be completed online using the official government website;
- Those who do not have their status confirmed, or have not made an application, by 30th June 2021 will be working illegally in the UK. Employers must ensure they have received evidence of status of EU nationals by this date.

Facebook post employee was wrongfully dismissed

An employment tribunal has ruled a Sainsbury’s employee was ‘wrongfully dismissed’ for identifying a driver who had used the supermarket’s carpark on Facebook. The ruling stated the employer failed to conduct the disciplinary investigation with an open mind or consider any alternatives to dismissal.

Did you know?

The Acas guide on conducting workplace investigations explains that an investigator’s role is not to prove the guilt of any party but to investigate if there is a case to answer. Failures in a disciplinary investigation often render a dismissal unfair.

Latest ET figures shows 118% increase in overall claims

Recent figures show employment tribunal claims have continued to grow. In total 109,706, employment tribunal claims were made in the last financial year. This is the first time the figure has topped 100,000 since 2013, averaging out at 421 claims made per working day.

Did you know?

Tribunal fees were removed almost a year ago as they were found to be discriminatory and block access to justice. As such employers are now more likely to face claims from disgruntled staff regardless of whether these claims are genuine.

Hermes couriers ruled to be workers

In another important case for those in the gig economy an employment tribunal recently ruled that couriers for the delivery firm Hermes were workers and not self employed, as the firm had claimed. This meant the couriers had been denied employment rights such as paid annual leave.

Did you know?

New laws are set to re-shape the area of employment status – who is an employee, worker or self-employed. Employers who use ‘self-employed’ contracts must keep abreast of changes to ensure their contractual relationship is as intended.

The UK’s decision to leave the EU has led to much confusion from employers and EU workers alike regarding the ability to continue working after the Exit. The recent detail on the application process should help to settle nerves. However, we still do not know what changes to employment law will take place after the Exit. Croner will keep you up to date on these developments as they happen.

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