

EMPLOYMENT LAW

Recent changes to UK employment legislation



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GREATER MANCHESTER GOOD EMPLOYMENT CHARTER

SPEAKERS

- **Ian MacArthur**, Head of the Charter Implementation Unit
- **Karen Lester**, Trainer and Individual Conciliator at Acas
- **Lee Jefcott**, Partner and Employment Lawyer at Brabners



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acas working
for everyone

Employment Law Update

Karen Lester



Agenda

1 No Jab, No job

2 Workplace testing

3 Vaccinations

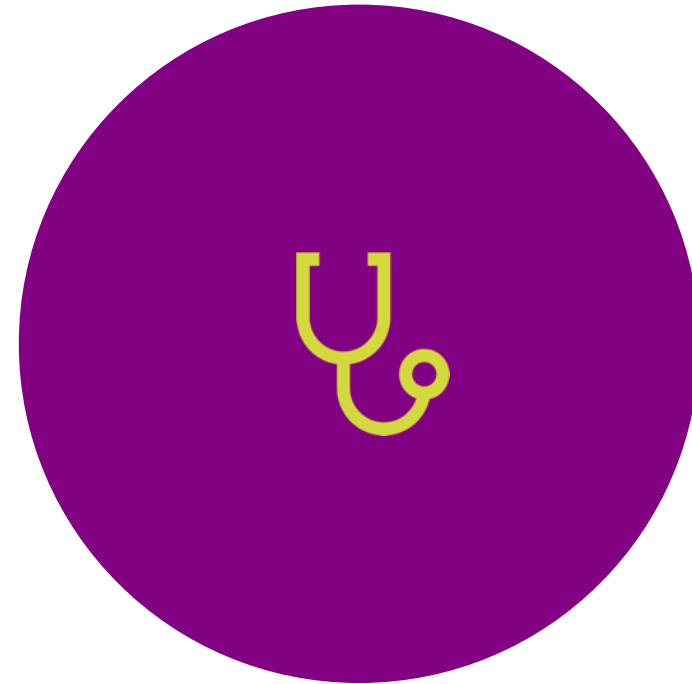
4 Case Law

5 Blended Working

- Not compulsory by Government
- How can employers justify this request
- Can other measures mitigate staff not having vaccine
- Legal risk –discrimination and Human rights
- GDPR– holding information
- Respect personal choice



- Contractual changes
- Inform, education, understanding, signpost
- Personal choice
- Trust and respect
- Treated differently
- Facilities
- What if they don't?
- Support for those with positive results



- **Uber – Employment status**
- **Mencap – Sleep ins**
- **Taylor V Jaguar - non binary and gender fluid**
- **Kubilius V Kent Food -Face masks**

- Balance employee desire for flexibility and embrace creativity/innovation
- Role of line manager
- Building and developing teams/trust
- Who does or who doesn't get?
- Right type of environment/masks etc
- Attract talent – diverse workforce
- Contracts – homeworkers or not



Keep Watch for.....



- April – Statutory rate changes and NLW age range change
- 1st April – shielding advice withdrawn
- 52 week period for calculating holiday pay
- Furlough – employer contributions from 1st July
- Disability Commission Report
- Asda – Equal Pay claims

Further information



- **ACAS Helpline : 0300 123 1100**
- **Testing**
- <https://www.acas.org.uk/working-safely-coronavirus/testing-staff-for-coronavirus>
- **Furlough**
- <https://www.acas.org.uk/coronavirus/furlough-scheme-pay/pay-during-furlough>
- **ICO – GDPR**
- <https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/coronavirus-recovery-data-protection-advice-for-organisations/testing/>

Brabners

Employment Law Update

March 2021

IR35

What is IR35?

- Tax avoidance
- Intermediaries Legislation / Personal Service Companies
- Disguised employees

IR35

Why is it changing?

- £1.2 billion annual tax leakage by 2022/23
- HMRC unable to prevent non compliance
- Success in public sector following 2017 reforms - £550 million extra income tax and National Insurance Contributions in year 1

IR35

What do I need to do?

- Will the changes apply to me?
- Conduct a status determination and provide to the worker/intermediary
- Deal with any dispute
- Operate PAYE on the payment

Gender Pay Gap Reporting 2021

- Employers with 250 or more employees on 5th April each year
- Required to report on their average hourly pay for men and women, pay quartiles and bonus
- First reporting year April 2018 – median gender pay gap 9.7 %
- Second reporting year April 2019 – median pay gap 9.6 % but 45 percent of employers had seen an increase in gender pay gap over that year

Gender Pay Gap Reporting 2021

Action Plans

- Minimum numbers of females on interview shortlists
- Skills based assessment and structured interviews
- Encourage salary negotiation by publishing ranges
- Transparent criteria for promotion and pay bands
- Barriers to female progression into senior jobs?

Reform of non compete clauses

Government consultation

- Do these clauses hamper innovation and entrepreneurship?
- To maximise opportunities for people to start their own businesses and find new work
- Mandatory compensation for non-compete clauses?
- Statutory limit on length of time?
- Making them unenforceable?
- What about other forms of post-employment restrictions?

Contact

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- **Sacha Lord**
- **Lou Cordwell**
- **Professor Sir Cary Cooper CBE**
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