



Community First Yorkshire

Employment law update February 2020

Parental Bereavement

The Parental Bereavement (Leave and Pay) Act 2018, which will entitle most parents of children who die before their 18th birthdays to at least two weeks' paid bereavement leave, will come into effect on 6 April 2020.

Leave will be a universal right for all employees with any kind of parental responsibility for a child (that is, someone under the age of 18) who dies. The right will be to two weeks' paid leave for employees who have completed 26 weeks' service, paid at the statutory rate. The right will apply to parents of still born babies once 24 weeks of a pregnancy have elapsed. It will be possible either to take two weeks as a single block at the time of the death or two separate blocks of one week during the subsequent 56 days.

Changes to written statements of employment particulars

There are three important changes to written statements, which will apply from April 6th 2020:

1. All workers employed on or after 6th April 2020 will be entitled to a written statement of employment particulars.
2. Employees and workers must be provided with their written statement on or before their first day of employment.
3. There is additional information that written statements will need to contain, including:
 - the hours and days of the week the worker /employee is required to work, whether they may be varied and how
 - entitlements to any paid leave
 - any other benefits not covered elsewhere in the written statement
 - details of any probationary period
 - details of training provided by the employer.

Changes to agency workers' rights

There are three important changes to agency workers' rights which will apply from April 6th 2020:

1. Abolition of the Swedish Derogation (sometimes referred to as 'pay between assignments' contracts). Previously agency workers could agree a contract which would remove their right to equal pay with permanent counterparts after 12 weeks working at the same assignment. From 6th April 2020, these contracts will no longer be permissible, and all agency workers, after 12 weeks, will be entitled to the same rate of pay as their permanent counterparts.
2. All agency workers will be entitled to a key information document that more clearly sets out their employment relationships and terms and conditions with their agency.
3. Agency workers who are considered to be employees will be protected from unfair dismissal or suffering a detriment if the reasons are related to asserting rights associated with The Agency Worker Regulations.

Changes to ICE (Information and Consultation of Employees) Regulations

From 6th April 2020, there will be a reduction in the percentage of employees required to make a valid request for an agreement on the sharing of information and consultation within the workplace. Currently it is at least 10% of the workforce who must put in a request before an employer is obliged to take steps to comply with this right. This percentage will be reduced to 2%. The requirement that at least 15 employees make the request will remain.

Key terms for agency workers

Employment businesses will be required to provide every agency worker with a document known as a "key facts page".

This will need to include certain details, such as the type of contract they are employed under, the minimum rate of pay they will receive and details of any fees that might be taken. This will help agency workers better understand their basic terms, which can be especially difficult where intermediary umbrella companies are involved.

Holiday pay

The reference period used to calculate holiday pay will be extended from 12 weeks to 52 weeks, which is an important development for those who work variable hours. Currently a worker may get different rates of pay during holidays taken, depending on how many hours they worked in the three months previous.