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SOLICITORS

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- Neonatal Care Bill
- Carer's leave
- Ban on exclusivity clauses
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Legislation Update



Flexible working update



Pay for covid positive employees



Who can sign fit-notes?

**Statement of Fitness for Work
For social security or Statutory Sick Pay**

Patient's name

I assessed your case on: / /
and, because of the following condition(s):

I advise you that:

☐ you are not fit for work.
☐ you may be fit for work taking account of the following advice:

If available, and with your employer's agreement:
☐ a phased return to work
☐ altered duties

Comment:

Benefit from:
duties
adaptations

Protection from Redundancy Bill

**Protection against
redundancy for
expectant and
new parents**



Neonatal Care Bill



Carer's leave



Ban on exclusivity clauses



Tips, Gratuities and Service Charges



EU revocation bill



So what does this mean?



What will disappear?

- The daily limit of 8 hours per day or the limit of 40 hours per week for children;
- The right of a worker to a 20 minute break in their shift and a break from work each day and a day off every week or 2 days off every 14 days;
- Paid holidays at the same rate of pay that a worker would get when they are working;
- Maximum hours not just for office workers but also for safety critical workers such as airline pilots, sea-fisherman and HGV drivers;
- The obligation on employers to make an assessment of health and safety risks to their workers or keep such a risk assessment up to date;
- The right of part-time and fixed-term workers to be treated, pro rata, similarly to permanent workers unless the employer can justify different treatment;
- The right of Agency Workers that they should, after 12 weeks, receive the same basic working and employment conditions such as pay or rest periods as a directly employed worker;
- Rights to take parental leave; and
- When a business buys another business there is reasonable certainty as to which workers transfer to the new business so that the purchaser knows which employees it is getting, and workers know that they can't just be dismissed because of the transfer.

Case Law Update



Harpur Trust v Brazel



Example – accruing holiday

- A zero hours worker, Sally, has been engaged for 20 weeks.
- Her leave year runs from her start date.
- Her employer wants to know how much holiday Sally has accrued.
- To do so, her employer calculates 20 weeks as a proportion of her leave year x 5.6 weeks.
- This means that Sally is entitled to take 2.15 weeks holiday ($5.6 \times 20 / 52 = 2.15$ weeks).

Holidays in days or hours

- Sally requests to take two days leave.
- Her employer chooses a reference period of 12 weeks and calculates that during the time, Sally worked an average of 2.5 days per week. Two days holiday will be 0.8 of a week ($2 \text{ days} / 2.5 = 0.8$) and would attract 0.8 of a week's pay.
- Sally's remaining holiday entitlement would be 4.8 weeks ($5.6 - 0.8 = 4.8$).
- A similar calculation could be done to express the holiday entitlement in hours.

Calculating holiday pay

- Sally's employer needs to calculate what to pay her for the two days (or 0.8 weeks) holiday that she requests.
- To do so, her employer needs to work out her average weekly pay over the 20 weeks she has been engaged.
- Sally has done some work every week and in total, she has earned £3,840 (including commission).
- This means Sally's average weekly pay is £192 ($£3,840 / 20 = £192$).
- To work out how much to pay Sally for the 0.8 weeks holiday, her employer calculates this as a percentage of the average weekly pay: $£192 \times 0.8 = £153.60$.

Legal advice privilege



Menopause



What's on the horizon



National Minimum Wage

The NMW is increasing from April 2023 as follows:

- The National Living Wage is increasing from £9.50 to £10.42 per hour.
- 21 – 22 year olds will receive £10.18 per hour
- 18 – 20 year olds will receive £7.49 per hour.
- 16 – 17 year olds will receive £5.28 per hour.
- Apprentices will receive £5.28 per hour.

King Charles' Coronation

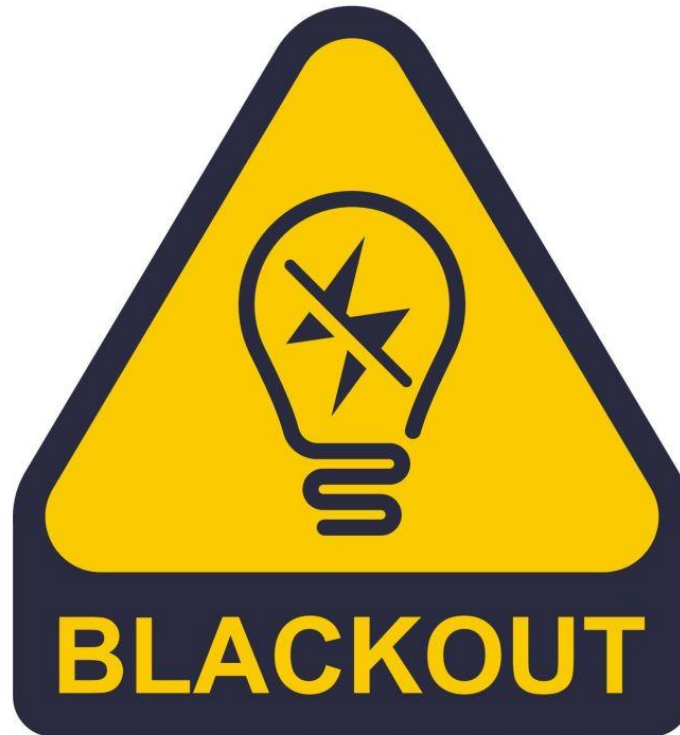


Cost of living support



- Review your reward strategy
- Review your financial wellbeing policy
- Review your benefits package
- Train your managers
- Empower your employees to be heard
- Build your communication strategy

Blackouts



Hybrid working



BeReal app







ET Reform











Employment Law Events

JUL 31  **A guide to redundancies - getting it right (pre-recorded webinar)**
Online event
Friday, 31 July 2020 at 09:00 BST
 Event series

NOV 30  **Business Immigration (online pre-recorded webinar)**
Online event
Monday, 30 November 2020 at 09:30 GMT
 Event series

JAN 13  **Managing difficult conversations (online pre-recorded webinar)**
Online event
Wednesday, 13 January 2021 at 09:30 GMT
 Event series

MAY 31  **Menopause in the workplace (online pre-recorded webinar)**
Online event
Monday, 31 May 2021 at 10:00 BST
 Event series



JUL 26  **Directors general duties under the Companies Act 2006 (prerecorded webinar)**
Online event
Monday, 26 July 2021 at 19:00 BST
 Event series

JUL 27  **Socio-Economic Duty (on-demand webinar)**
Online event
Tuesday, 27 July 2021 at 19:00 BST
 Event series

SEP 24  **Data Protection: The Role of Data Controllers**
Online event
Friday, 24 September 2021 at 09:00 BST
 Event series

FEB 21  **Human Resources Certificate in Employment Law**
Monday, 21 February 2022 at 09:00 GMT
 Event series

FEB 21  **Introduction to GDPR (online and on-demand)**
Online event
Monday, 21 February 2022 at 09:00 GMT
 Event series

FEB 25  **Unconscious Bias (online pre-recorded webinar)**
Online event
Friday, 25 February 2022 at 09:00 GMT
 Event series

FEB 8  **Modern slavery "VIRTUAL" & in our Carmarthen Office 9:30am 8 February 2023**
Morgan LaRoche Solicitors
Wednesday, 8 February 2023 at 09:30 GMT

FEB 9  **Modern slavery Swansea Office 9:30am 9 February 2023**
Morgan LaRoche Solicitors
Thursday, 9 February 2023 at 09:30 GMT

Thank you

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[Twitter.com/mlremployment](https://twitter.com/mlremployment)

[Linkedin.com/groups/12373306/](https://www.linkedin.com/groups/12373306/)