

Employment Law Timetable

10 December 2020

Legislative amendments and dates for the Furlough Scheme

Due to the fast-moving progress of legislation changes for the current Coronavirus situation, you are advised to review [Gov.uk](https://www.gov.uk) for up to date information.

Based on the current government guidance there are some key dates, as follows:

- 1 December 2020 – The Job Retention Scheme cannot be used to claim for any days, on or after 1 December, during which time an employee is serving notice. This relates to both statutory and contractual notice periods and includes those due to resignation and retirement, as well as dismissal.
- 1 February 2021 – There may be a change to the employer contributions required for the Job Retention Scheme.
- 31 March 2021 – The Job Retention Scheme will close.

1 December 2020

The ACAS early conciliation process has been extended from 1 month (with the possibility to extend by a further 2 weeks if both parties are close to an agreement) to 6 weeks for any notifications that are received on or after 1 December 2020.

1 January 2021

A new immigration scheme comes into force for all applicants regardless of nationality. The government has produced information to help employers prepare for the UK's new points-based immigration system planned for 1 January 2021 when the UK leaves the EU. A new guide covers a range of issues including what will happen to EU citizens already living in the UK – [An introduction for employers](#).

1 April 2021

National Minimum Wage increases

The National minimum wage will increase for the following age brackets, which have also been amended, as follows:

23+ = £8.72 to £8.91 per hour (national living wage)
21 – 22 = £8.20 to £8.36 per hour
18 – 20 = £6.45 to £6.56 per hour
Under 18 = £4.55 to £4.62 per hour
Apprentice rates = £4.15 to £4.30 per hour

4 April 2021

Proposed statutory rates increases

Increase to statutory maternity pay, paternity pay, adoption pay and shared parental pay increasing from £151.20 to £151.97.

6 April 2021

Proposed SSP rate increase

Increase to statutory sick pay (SSP) rate increasing from £95.85 to £96.35.

IR35 extension to the private sector

Large and medium sized organisations in the private sector who engage contractors through intermediary companies will be responsible for assessing the employment status of those contractors.

30 June 2021

EU Settlement Scheme closes to applicants.

To be confirmed

New law prohibiting confidentiality clauses in contracts or settlement agreements from preventing disclosures to the police, regulated health and care or legal professionals to be introduced.

Following government consultation as to whether legislation was needed on this matter, a new law has been confirmed to be set in place. This will ensure victims, for example those of sexual harassment and discrimination, are not placed in circumstances where they believe they cannot make such a disclosure because they have signed a confidentiality agreement. The proposal to outline the limits of confidentiality clauses to individuals will also be taken forward by the introduction of new laws. This will include confidentiality clauses in settlement agreements to set out limits on disclosure, and clauses in employment contracts will legally need to set out their limits in a written statement of particulars.

The new government legislation is awaited, with no set date for implementation currently. In the meantime, advisory bodies including ACAS are planning to update existing guidance and produce new guidance on confidentiality clauses and agreements to ensure organisations have a clear understanding of the law. Organisations should be reviewing current practices to assess whether these will need updating to comply with future legislation.

Extending workers rights to request a more stable working pattern

Announced in the government's Good Work Plan in 2018, the new right will allow all workers to request a more predictable, stable working pattern after 26 weeks of continuous service with their employer. The government is yet to confirm when this development will come into force.

Amendment to the break in service required

Announced in the government's Good Work Plan in 2018, the time required to be considered a break in a period of continuous service will be extended from one week to four weeks. The government is yet to confirm when this development will come into force.

Redundancy protection for new parents to be extended

Under current equality law, pregnant women and new mothers have a 'protected period' during which they are protected from discrimination on the grounds of their pregnancy. In a redundancy situation where it is not practicable for an employee to return to her existing contract, she is entitled to be offered a suitable alternative vacancy where one exists. The protections have previously only covered until the employee returned to work, or two weeks after the end of her pregnancy if she did not take maternity leave.

The government has now committed to the following areas, including:

- extending the redundancy protection period to apply from the point the employee informs the organisation she is pregnant to six months after a return to work. This will also apply to adoption leave.
- extending the redundancy protection period for any employee on shared parental leave – more guidance is due at a later date.

The government is yet to confirm when these developments will come into force, but it is highly advisable for organisations to familiarise themselves with the current protections afforded to employees on family leave and prepare for the forthcoming changes to the law. The second reading of the Bill is scheduled for March 2021.

Extension of shared parental leave to grandparents

Detailed proposals and a consultation on the extension of shared parental leave and pay to working grandparents was scheduled for May 2016, but did not materialise. The policy, put forward by the previous Conservative administration, was aimed at supporting the costs of childcare during the first year of a child's life and was intended to take effect by 2018 although this has not yet been confirmed.

Neonatal leave and pay

The government has published a response to the consultation on this matter. The response outlines the intention to provide statutory neonatal leave and pay to parents of babies who are admitted to hospital aged 28 days or less. The government is yet to confirm when this development will come into force.