

Employment Law Timetable

October 2021

Legal Round up

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

- **11 November 2021** – legislation comes into force that requires people working in care homes to be Covid-19 vaccinated. Therefore, only people who can demonstrate evidence of having had a complete course of a coronavirus (COVID-19) vaccine (or evidence that they are exempt from vaccination) will be allowed to work in a CQC-registered care home in England.

The requirement to be vaccinated applies to individuals who enter the indoor premises of a care home, including the care home staff and any professionals visiting the home, such as healthcare workers, tradespeople, hairdressers and beauticians, and CQC inspectors.

The requirement excludes residents; friends or relatives of residents who are visiting; persons providing emergency assistance or urgent maintenance work in the care home; and those under the age of 18.

- **1 December 2021** – BEIS consultation on proposal to reform flexible working regulations closes.
- **1 December 2021** – ET rules will be changed to allow a prospective claimant to provide the names of more than one prospective respondent on an early conciliation form.
- Although the SSP rebate scheme has now ended you have until **31 December 2021** to submit or amend any claims.
- **31 December 2021** is the final date for new hires under the Government Kickstart scheme which provides funding to employers to create job placements for those aged 16-24 years on Universal Credit.
- Remote Right to Work Checks – end date has been extended to **5 April 2022**.

Please see next page for some of the significant employment law changes anticipated for 2022 and beyond.

Social Care Tax

The Government intends to introduce a new social care package that will be financed by a package of Tax increases. From April 2022 there will be a rise in National Insurance Contributions of 1.25% for all working adults in the UK and matched by employers. The tax rates on shared dividends will raise by the same amount.

From April 2023, it will become a separate tax on earned income, calculated in the same way as National Insurance and appearing on an employee's payslip as a Health and Social Care Levy.

Carer's Leave

The Government has published their response to the consultation on carer's leave. It confirmed that the right will consist of one week of unpaid leave per year which can be taken in any way from half day blocks to a whole week. There will be no qualifying service requirement for this right.

No timescale for the introduction of carer's leave has been announced.

New legislation to ensure that tips and gratuities go to staff

In September 2021 the Government published their response to the consultation on tipping, gratuities, cover and service charges. This confirmed that legislation will be introduced requiring employers in all sectors not to make any deductions, other than those required by tax law, from tips received by staff. Employers will also have to distribute tips in a fair and transparent way, have a written policy on tips and record how tips are dealt with. Employees will be able to request information from their employer about their tipping record and this must be responded to within 4 weeks. A statutory Code of Practice, that employers must have regard to, is to be produced. Should any of these rights be breached workers will be able to make claims to an employment tribunal.

No timescale for the introduction of the new rules in relation to tipping has been announced.

New right for workers to request a more predictable contract

All workers will have the right to request a more predictable and stable contractual working pattern after 26 weeks' continuous service. The new right was announced in the Government's Good work plan on 17 December 2018. It is intended to benefit workers who have irregular hours, for example under a zero hours' contract, but who would like more certainty on the number of hours they work and/or the days on which they work.

Income Tax Personal Allowance Linked to National Minimum Wage

Any increase in the income tax personal allowance will take into account national minimum wage increases to ensure that workers on the national minimum wage working up to 30 hours per week do not pay income tax. The new measure is contained in the Finance (No.2) Act 2015.

Extension of Shared Parental Leave and Pay to Working Grandparents

The Government had announced that they intended to extend shared parental leave and pay to working grandparents from 2018, allowing mothers to share maternity leave with one nominated working grandparent. A consultation on the extension was expected in May 2016, however, on 7 November 2017, the Department for Business, Energy and Industrial Strategy confirmed that there are no imminent plans to extend shared parental leave and pay to working grandparents.