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Employment law breakdown: A roundup of everything you need to know about what has happened in 2022



24/7 professional support for businesses, across employment law, HR and health and safety

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Run time: Approx 50 mins

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The detail contained within this webinar is based on GB and Northern Ireland employment legislation.

Members in the jurisdictions of Republic of Ireland, Jersey, Guernsey and Isle of Man are asked to please contact the Advice Service to obtain the information relevant to your jurisdiction.

Today we will cover...

- HR headlines of 2022
- The end of Covid rules
- Legal, policy and guidance changes impacting employers
- Case law update



HR headlines in 2022

- War in Ukraine
- Hybrid working
- Cost-of-living crisis
- 800 employees dismissed 17 March 2022 by P&O ferries
- Virgin Atlantic dropped gendered uniform requirements; visible tattoos also allowed
- Impact of Queen's death
- World Cup 20 November 18 December

The end of mandatory vaccination legislation for health and social care

• 15 March – mandatory vaccine laws repealed.

Workers to consider professional duty

• Employers had to decide - re-hire dismissed employees?

Covid related rules

- 26 January temporary adjustments to self-certification reversed
- 24 February England beings "living with Covid". Wales and Scotland followed in March and May.
- 17 March Covid SSP rebate scheme closed
- 25 March, all covid-related changes to SSP were revoked:
 - Payment from day one of covid-related absence
 - Payment for self-isolation.

Fit notes changes

• 6 April - fit notes completed and sent digitally

• 1 July - nurses, occupational therapists, pharmacists, and physiotherapists can sign fit notes too, when in a general practice or hospital setting

Right to work checks

 6 April - Certain foreign workers forced to use Home Office online check only to prove right to work

31 September – temporary covid-related adjustments for digital checks finished

• 1 October – Identity Verification Technology (IDVT) and Identity Service Providers (IDSP) replaced temporary covid checks. Permanent option to complete remote digital checks.

Sexual harassment in the workplace

- Still waiting for new law on this
- EHRC checklist and action plan for hospitality sector published
- Includes triggers that can prompt harassment



Mandatory reporting thresholds

• Plan to cut red tape for growing businesses

Increase reporting threshold

Impact on gender pay gap unclear



What the new PM means for HR

- Sunak's promises now under review:
 - Remove apprenticeship levy
 - Publish a women's manifesto
 - Be tough on public sector pay rises
 - Review all EU laws within 100 days

What the new PM means for HR

New minimum wage rates

	Now	From April
23+ NLW	£9.50	£10.42
21-22 Year Old Rate	£9.18	£10.18
18-20 Year Old Rate	£6.83	£7.49
16-17 Year Old Rate	£4.81	£5.28
Apprentice Rate	£4.81	£5.28

Holiday and holiday pay update

Brazel v Harpur Trust

- Part year workers on permanent contracts
- Cannot pro-rata annual leave
- Cannot use 12.07% to calculate holiday pay
- Can pro-rata for part-time/fixed term/part year starters and leavers

Additional bank holidays

How to interpret the following clauses?

- You are entitled to 28 days' holiday during each full holiday year including the following public/bank holidays...
- You are entitled to 28 days holiday during each full holiday year including the 8 public/bank holidays...
- You are entitled to 20 days holiday during each full holiday year in addition to public/bank holidays...
- In addition to the annual holiday entitlement, you are allowed the following bank holidays each year with pay...

Industrial action

Agency workers can now be supplied to cover for striking workers.

No pay for time lost due to train strikes.

- Pay losses avoided by:
 - Working from home
 - Annual leave
 - Time off in lieu

- Adjust start/finish times
- Discuss car pooling arrangements

Injunctive relief from fire and re-hire proposals

USDAW v Tesco Stores Ltd 2022 Court of appeal (civil court)

"Retained pay", "guaranteed for life" and "permanent"

USDAW sought injunction to stop fire and re-hire



Acas suspension guidance

Consider all other options first

Alternatives must be inline with contract

Plan to support during suspension

Not punitive

Important case law

Smith v Pimlico Plumbers – holiday pay accrual

Angard Staffing Solutions Ltd v Kocur – agency worker rights

• Free Miles v The Royal Veterinary College (ET) 2022 – ethical veganism

Mackereth v DWP (UK) Ltd (EAT) 2022 -

What's to come in 2023

Important legislation passing through parliament

Fundamentally change employee rights

Potential for big impact on employers

•watch this space

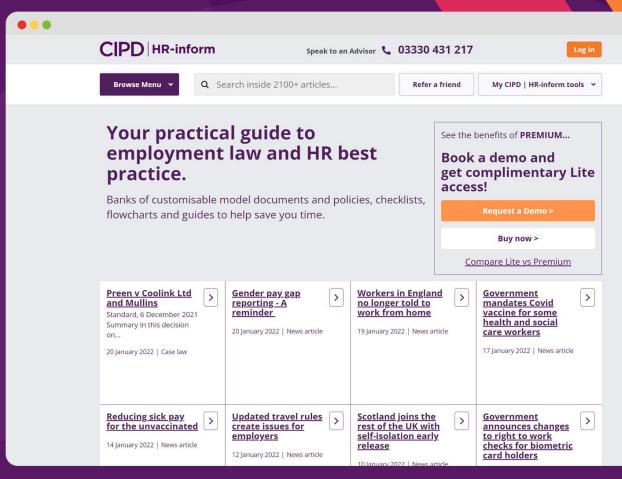
Summary

- 2022 has been a big year for change, and employers have had to get used to new ways of working and new laws to work under
- There have also been a number of significant cases that have changed the way we interpret the law
- 2023 is already set to be a big year for employee rights
 - more on that next year...

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