

CIPD | HR-inform webinars

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

CIPD | HR-inform webinars

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

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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- 15 March – mandatory vaccine laws repealed.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...

Next steps

- Complete webinar survey that pops up at the end of the webinar
- A member of our team will give you a call to receive your feedback and let you know how to access supporting materials
- A recording of this webinar will be sent to you this working week
- To find out more on what CIPD HR-inform can offer you, follow this link

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