

A decorative graphic in the top right corner consisting of several overlapping squares in various colors: light blue, orange, brown, olive green, purple, light green, and a dark brown square containing the text 'DARWIN GRAY'.

**DARWIN
GRAY**

What's New in Employment Law?

Fflur Jones
Darwin Gray LLP

Clear Thinking. Smart Results.

What we'll cover:

- Employment Tribunal fees and claims
- Payments in lieu of notice
- Increases in statutory payments
- Gender pay gap reporting
- Key case law
- GDPR
- What comes next?

Employment Tribunals



- ET fees were abolished in July 2017 after being declared unlawful by the Supreme Court
- It's now free to bring a claim for a litigant in person
- MOJ statistics show that in the last quarter of 2017:
 - Single ET claims have increased by 90%
 - Multiple ET claims have increased by 467% (largely due to holiday pay and equal pay claims)
 - Around 3,000 new claims are brought per month

Statutory payments

- Increases in the National Living Wage (£7.83), National Minimum Wage (£7.38) and corresponding rates for apprentices and young people
- Increase in the maximum “week’s pay” for statutory redundancy and UD basic award purposes: now £508
- Increase in maximum UD compensatory award: £83,682
- Increase in SSP to £92.05
- Increase in SMP, SPP, ShPP, SAP, MA to £145.18
- Increase in auto-enrolment contribution %s

PILONs



- The changes in taxation to payments in lieu of notice are likely to affect the way some settlements with employees are conducted
- Likely to lead to employers having to pay out higher sums on average, as incentive of tax-free PILON has gone
- This also includes payments relating to enhanced redundancy and unfair dismissal pay-outs

Gender pay gap reporting

- First set of (private sector) Gender Pay Gap Reporting Regs (GPRR) figures published 4 April 2018
- Public sector figures published 30 March 2018
- Results show 78% of private sector employers pay men more; 90% of public sector employers.
- Median private sector GPG was 9.7%
- Snapshot dates for next year's figures were 31 March (public) and 5 April (private)
- Will employers with <250 staff be next?

Gender pay reporting in the Welsh housing sector

- 13 housing associations in Wales reported their gender pay gaps
- Of these, the mean pay gap was 8.1%; the median was 8%
- Women accounted for nearly two thirds of the lower-earning quartile
- But they accounted for 49% of the top earning quartile
- Overall, better than national averages

Key case law

- Shared parental pay: EAT ruled in Capita v Ali that it is not direct sex discrimination not to offer same enhanced rate as maternity pay
- Increase in discrimination compensation bands: Pereira de Souza v Vinci Construction
- Voluntary overtime to be included in holiday pay: Dudley MBC v Willetts
- Stand-by time may count as working time: Ville de Nivelles v Matzak

GDPR

- Will come into force 25 May and affect all businesses, no matter how small
- Purposes: harmonising rules across EU; bringing rules up to date for 21st century
- Principles are largely the same, but new principle of **accountability** introduced - this makes paperwork key
- Definition of consent has also changed, making it less desirable to rely on this
- Individuals have more say over what happens to their data

GDPR

- Practical tips from employment perspective:
 - Review all of the personal data you hold and process
 - Privacy notices – for employees, workers, contractors, candidates and clients
 - Data sharing agreements with data processors who process your employees' data
 - Update your contracts
 - Update Data Protection Policy; give all employees training on this

What to expect next

- Ongoing consultations on the implications of the Taylor Review: changes may be made to workers' rights and employment status as a result
- Brexit: we are still guessing about what will happen to employment laws post-exit day - we can hope for clarity in the next few months
- Leave: proposals to bring in statutory grandparental leave and parental bereavement leave
- *Pimlico Plumbers* case to be ruled on by Supreme Court



Thank You/Diolch

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