

# GET UP TO SPEED

WITH THE CHANGES IN 2019  
EMPLOYMENT LEGISLATION

*On the Horizon 2020*

*Post-Brexit  
immigration  
rule changes*

*Extend itemised  
pay statements  
to workers*

*National Minimum  
Wage rate increases*



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# Our guide to new legislation

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## Start gathering evidence for executive pay reporting

Rules coming into force on 1 January 2019 mean that UK quoted companies with more than 250 employees will have to report on ratios between the CEO and employees' pay and benefits.

The requirement applies to financial years beginning on or after 1 January 2019 so the first tranche of reporting will start in 2020. However, affected companies should gather their evidence in good time to be able to calculate their pay ratios by the deadline.

The information will have to be included in the directors' remuneration report.

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## Post-Brexit immigration rule changes

Regardless of whether a deal on the UK's exit from the EU is agreed, the rules around the employment of EU nationals will change sooner or later.

Once the UK leaves the EU, free movement will end, although in practice this is likely to be delayed pending legislation to repeal the current arrangements. Also, it will take time to put in place the practical arrangements necessary to make this possible.

The government has introduced a scheme under which EU workers already in the UK will be able to apply for "settled status", in 2019, allowing them to remain indefinitely in the UK following the end of the Brexit transition period in 2021. To be granted

settled status individuals must be able to prove they have been living in the UK for **5 years** by the date of application. Those who do not meet this requirement can apply for temporary status, allowing them to remain until they have accrued enough residency to be granted settled status.

However, employers need to be aware that, going forward, the employment of workers from the EU is likely to be subject to restrictions in the same way as the employment of other foreign nationals, so will need to adjust their recruitment processes accordingly. Recruitment and retention policies will need to be reviewed for effective workforce planning.



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## Auto-enrolment contributions

From April 2019 the minimum contributions for auto-enrolment pension schemes will increase for both employers and employees. Currently, automatic enrolment requirements mean employers must **contribute a minimum of 2%** of an eligible worker's pre-tax salary to their pension pot, with the **individual contributing 3% themselves**. However, under the new requirements, employers and employees will now have to contribute a **minimum of 3% and 5% respectively**. Employers are reminded to allow appropriate time to consult with staff before making any changes to their pension contribution scheme.

## National Minimum Wage rate increases

As announced in the 2018 Budget, new National Minimum/Living Wage from 1 April 2019 as:

**Workers**  
aged 25 and over

**£8.21** per hour  
(National Living Wage)

**Development rate**  
for workers aged 18-20

**£6.15** per hour

**Apprentice rate**  
(workers under 19 or in first year of apprenticeship)

**£3.90** per hour

**Workers** aged 21-24

**£7.70** per hour

**Young workers rate**  
for workers aged 16-17

**£4.35** per hour



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## ***Publish second gender pay gap report***

Employers with 250 or more employees on the “snapshot date” (31 March in the public sector and 5 April in the private and voluntary sectors) must report on their percentage gender pay gap annually within 12 months of that date.

This means that the deadlines for the second round of reports are **30 March or 4 April 2019**. Employers need to gear up to publish their second report, if they have not done so already.

Organisations must publish reports on their website and on the GOV.UK website. In the private and voluntary sectors, reports must also be accompanied by a written statement confirming their accuracy, and be signed by a senior person as prescribed by the legislation.

There is no obligation on employers to provide a narrative around any gender pay gap but they should bear in mind that an explanation may help to limit any reputational damage. Given that comparisons are likely to be made with the previous year’s report, consider highlighting any reduction in the gap or be able to provide good reasons for any increases in the gap.

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## ***Statutory Sick Pay rate increases***

The weekly rate for statutory sick pay will **increase to £94.25**.

## ***Extend itemised pay statements to workers***

From 6 April 2019, the right to an itemised pay statement will extend to workers, not just employees.

Further, where a member of staff’s pay varies according to time worked, the employer will have to include on the itemised pay statement the total number of hours worked for which variable pay is received.

This can be done either as an aggregate figure or as separate figures for different types of work or different rates of pay.

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## ***Good Work Plan***

In the “Good Work Plan” published in December 2018 the Government also commits to a wide range of policy and legislative changes to ensure that workers can access fair and decent work, that both employers and workers have the clarity they need to understand their employment relationships, and that the enforcement system is fair and fit for purpose.

The government’s ‘Good work plan’ made a commitment to increase the penalties for employers that repeatedly breach their employment law obligations. Tribunals have the power to impose a **£5,000** ‘aggravated breach’ penalty on employers losing cases, and from 6 April 2019, the maximum limit on these **penalties will rise to £20,000**.

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## ***Statutory Family Pay rate increases***

The weekly rate for family pay rates (maternity, adoption, paternity, shared parental and maternity allowance) will **increase to £148.68**.



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# On the Horizon 2020

## **Parental bereavement leave and pay**

The government has confirmed that it intends to introduce a right for bereaved parents to take paid time off work.

Under the current proposals, bereaved parents will be able to take leave as a single two-week period, as two separate periods of one week each, or as a single week. They will have 56 weeks from their child's death to take leave.

The new right is expected to come into force in **April 2020**, but employers should start preparing for it during 2019, and could decide to introduce their own bereavement leave policy if they don't already have one.

## **Non-disclosure agreement**

The government have brought forward a review into the use of non-disclosure agreements in the workplace, with a response expected in 2019. These agreements, otherwise known as gagging clauses, were originally used to protect intellectual property when employees moved from one company to another. However, recent media coverage has highlighted the fact that they are often used to silence claims of harassment and bullying. Whilst these agreements remain legal, the government's response may go some way to deciding how they can be used in the future.

## **Micro-chipping employees**

If recent news stories are to be believed the act of micro-chipping employees may become more common in the UK workplace during 2019. The UK legal system has not yet been challenged in this regard, however it will be interesting to see how a court decides to rule on micro-chipping staff given the potential invasion of privacy and GDPR implications.



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