



# GLAA Brief

Issue 63 – April 2020  
Employment Law Changes

**This Brief publishes the latest guidance on employment law changes which are effective from 6 April 2020.**

## Introduction

Several significant changes in employment law come in to effect from the 6 April which will impact on those supplying labour. This brief explains what the changes are and how the GLAA will check compliance with the Licensing Standards in relation to these new requirements.

## New right to a Written Statement of Terms

### Current law

Currently, employees who have been continuously employed for more than one month must be provided with a written statement of terms within two months of employment commencing. This is in line with s.1 of the 1996 Employment Rights Act.

### New law

From 6 April 2020, new legislation known as The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) 2018 will come into effect which will require all employers to provide terms and conditions of employment to all new employees prior to, or on their first day of employment. This new entitlement will also be extended to workers under the new legislation.

After April 2020, a written Statement of Employment Particulars will still need to be compliant with section 1 of the Employment Rights Act 1996 however, it will also require some additional information:

- Details of the days of the week the worker is required to work and whether working hours and/or days will be varied and how.
- All paid leave entitlements such as; maternity, paternity, parental leave and compassionate leave.

- Duration and conditions of any probationary period.
- Remuneration (not just pay)
- Training entitlement provided by the employer.

Regulation 13A of the 'Conduct Regulations' (Conduct of Employment Agencies and Employment Businesses Regulations 2003) introduces a requirement to provide a 'Key information document' for agency workers.

The new regulation comes into effect from 6 April 2020. After this date all new agency workers must be given a 'Key information document' before agreeing terms with an employment business. The regulation does not apply to agency workers with existing terms with an employment business, but they will be entitled to a key information document when they sign up with a new employment business.

Labour Providers can download the blank 'Key information documents' from gov.uk and adapt as necessary <https://www.gov.uk/government/publications/providing-a-key-information-document-for-agency-workers-guidance-for-employment-businesses>

Workers will be entitled to both a written statement and a key information document.

## **GLAA Compliance**

The GLAA will be checking if workers have been provided with this document as part of assessing compliance and to ensure that workers are being paid appropriately in line with Standards 2.2, 2.3 and 2.5 (Pay and Tax Matters).

## **Amendments to Agency Worker Rules**

### **Current law**

The Agency Worker Regulations 2010 entitle agency workers to receive the same pay and basic working conditions as direct recruits once they have completed 12 weeks' continuous service working in the same role. The 'Swedish derogation' currently provides an exemption to the right to equal pay, if agency workers are employed under a permanent contract of employment with the temporary work agency and are paid by the agency for periods between assignments.

### **New law**

The opt-out will cease on 6 April 2020 when the Agency Workers (Amendment) Regulations 2019 come into force. Once agency workers have satisfied the 12-week qualifying period, they will be entitled to equal pay to workers who are engaged directly by the employer.

On or prior to 30 April 2020, agency workers who have an existing contract that contains a Swedish derogation provision must be provided with a written notification by the labour provider that it will no longer have effect.

## **GLAA Compliance**

The GLAA will be checking that workers are being treated fairly and in accordance with the Regulations and assessing whether any Standards are being breached e.g. Standard 2.2. This advice should be read in conjunction with GLAA Brief 22.

## Holiday Pay Reference Period Adjustment

### Current law

Currently, the holiday pay reference period is 12 weeks.

### New law

The government is lengthening the reference period for determining an average week's pay from 12 weeks to 52 weeks from 6 April 2020 under the Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018. The reform is intended to improve the holiday pay for seasonal workers, who tend to lose out over the way it is currently calculated.

### GLAA Compliance

The GLAA will check whether the workers are being paid the correct holiday pay in line with the revised reference period and comply with Standard 2.5 (Holiday pay). We would encourage labour providers to read the guidance provided by BEIS

<https://www.gov.uk/government/publications/calculating-holiday-pay-for-workers-without-fixed-hours-or-pay> and <https://www.gov.uk/holiday-entitlement-rights/holiday-pay-the-basics>

## New Parental Bereavement Law

### New law

The Parental Bereavement (Leave and Pay) Act 2018 will be coming into force on 6 April 2020. The Act, which became law in 13 September 2019, gives employees who lose a child under the age of 18, or suffer a stillbirth from the 24th week of pregnancy, on or after this date, the right to two weeks' leave. Regulations specify that the two weeks' leave may be taken as one block, or as two non-consecutive one-week blocks, at any time during the 56 weeks following the child's death.

The leave will be paid at the same statutory rate as other family friendly rights if the employee has 26 weeks' service employees and workers will have the right to 2 weeks' parental bereavement pay if:

- their child dies under the age of 18
- they've worked for their employer for at least 26 weeks
- they earn on average at least £118 per week (before tax)

Employed parents are already entitled, as a day one right, to take a reasonable amount of unpaid time off to deal with emergencies involving a dependent, including dealing with a dependent's death.

## **GLAA Compliance**

The GLAA will check compliance with this alongside family friendly rights which may apply in line with Standard 2.3 (Benefits).

## **Rules on carrying over annual leave to be relaxed to support key industries during COVID-19**

The Government announced on Friday 27 March that workers who have not taken all of their statutory annual leave entitlement due to COVID-19 will now be able to carry it over into the next 2 leave years. Employees and workers can carry over up to 4 weeks' paid holiday over a 2-year period, if they cannot take holiday due to coronavirus.

ACAS have issued guidance on how this will work in practice here:

<https://www.acas.org.uk/coronavirus/using-holiday>

## **GLAA Compliance**

The GLAA will check that labour provider businesses are following the guidance issued by ACAS and that workers understand what has been agreed about their holiday.

## **Further information**

1. If you any further queries, please contact the GLAA helpline on 0345 602 5020 or email [licensing@gla.gov.uk](mailto:licensing@gla.gov.uk).
2. For the latest news and updates from the GLAA:



Twitter: [@UK\\_Glaa](https://twitter.com/UK_Glaa)



facebook: [www.facebook.com/GangmastersLicensingAuthority](https://www.facebook.com/GangmastersLicensingAuthority)

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