



HR
Solutions

**WEBINAR | Good Work Plan:
Contractual Changes & Implementation**
9th April 2020



Introductions

Key contacts



Abi Ashford
HR Consultant



Sue Watson
HR Operations Manager





ATIM ARDEN
Digital Marketing Executive



A woman with blonde hair and glasses, wearing a blue denim shirt, is leaning over a desk and talking to a man in a white shirt. The man is in the foreground, looking towards the woman. The background is a bright, modern office setting.

Agenda

1. Overview of the changes
2. Implementation
3. New mandatory terms
4. Next steps
5. Risk of non-compliance

What has changed?

Pre 6th April 2020

Employees entitled to their Written Statement of Main Terms and Conditions of Employment within **2 months** of employment

From 6th April 2020

Employees and workers must be provided with Written Statement of Main Terms and Conditions of Employment **from the 1st day of employment**

i.e. it is now a **Day one right**

Which legislation?

EMPLOYMENT RIGHTS ACT 1996

Updates detailed in the: -

Employment Rights
(Miscellaneous Amendments)
Regulations 2019

Change: for new workers only

NO CHANGE FOR EXISTING STAFF

an "individual who has entered into a contract of employment ... or any other contract under which they undertake to perform personally any work for another party to the contract whose status is not that of a client or customer"

Defining a 'worker'

EMPLOYMENT RIGHTS ACT 1996

an "individual who has entered into a contract of employment ... or any other contract under which they undertake to perform personally any work for another party to the contract whose status is not that of a client or customer"

- not only employees
- individuals who has any other contract
 - express or implied
 - perform personally any work/services for your business

Change: for new workers only

NO CHANGE FOR EXISTING WORKERS

Only scenario where you would need to provide a written statement for workers: -

If re-engaged after 06.04.2020

Existing employees?

UPDATED STATEMENT CAN BE REQUESTED

Existing employees can request an **updated** Statement of Terms and Conditions

- Must be provided within **1 month** of the request
- The request can be verbal

We are updating our terms...

CAN WE UPDATE FOR ALL?

Yes -

CONSULT

Variation to contract letter

- Detail the changes
- Effective date
- Seek agreement
- Keep a copy on file

Reminder of the main basic terms...

Employer name & address

Employee name

Service dates

Job title

Job location

Working hours

Overtime

Holidays and holiday pay

Salary and pay dates

Sickness absence info

Pension terms

Permanent, temporary or fixed-term employment

Any collective agreements which apply

Signpost grievance and disciplinary procedures

Who to raise a grievance or disciplinary appeal to

Notice periods

If required to work outside the UK

Additional Details that must be included

- **in relation to hours of work** - the days of the week the worker is required to work and whether or not such hours or days may be variable and, if they may be, how they vary or how that variation is to be determined
- **any terms and conditions relating to any paid leave** (other than holiday or sick leave)
- **any other benefits** not covered elsewhere in the written statement
- **details of any probationary period**, including conditions applicable to it and its duration
- **details of any training entitlement provided by the employer** (employers can refer to a separate document that is either provided or is made readily accessible as long as you identify any training entitlement and what aspects are compulsory and any compulsory not provided in the statement itself)
- **any part of that training entitlement which is compulsory**
- **particulars of any other compulsory training which the employer will not pay for**

Terms that can be provided in instalments

The particulars that can be given via an instalment statement are:

- terms and conditions regarding pension and pension schemes
- details of any collective agreements which directly affect the terms and conditions of employment
- details of any training entitlement provided by the employer (but not details of any compulsory element of that training, or details of compulsory training that the employer will not pay for)
- the note regarding disciplinary rules, disciplinary and grievance procedures etc

Referring to another 'reasonably accessible' document

The written statement may refer the worker for further details of certain prescribed particulars to either:

- **the provisions of some other document that is reasonably accessible to the worker, or**
- **the relevant section of the law or to the provisions of any collective agreement directly affecting terms and conditions of the employment, that is reasonably accessible to the worker**

Reasonably accessible: able to source and read at work

Referring to another 'reasonably accessible' document

The terms that can be provided in detail in this way include:

- incapacity for work due to sickness or injury, including sick pay
- any other paid leave
- pension schemes
- any training entitlement provided by the employer (which isn't compulsory)
- disciplinary rules and procedures (but details of who to appeal to or send grievance to still has to be in the main statement)
- disciplinary appeals process and grievance procedure
- length of notice period (if only statutory minimum) can refer the worker to the Employment Rights Act 1996, s. 86
- collective agreements

What if there are no particulars for a mandatory term?

If there are no particulars to be entered in certain terms of the written statement, that fact must be stated in the written statement

For example: new mandatory term: probationary period

Written Statement: -

4. Probationary Period

4.1 There is no probationary period applicable to this role.

HR Solutions Knowledge Base – updated documents

Article: Contracts of Employment

(Portal search on the word Contract!)

Read the guidance

View our updated documents (from the documents tab)

For example:-

STATEMENT_Written_Statement_April2020_full

STATEMENT_Written_Statement_April2020_Zero-hours

LETTER_Cover_letter_for_contracts



Next steps

Next steps

Step 1

Review your current documentation to update templates to include the additional terms that must be included within the written statement.

Next steps

Step 2

Review all your current contracts and agreements in place with all of your workforce to establish who would be entitled to a written statement under the new rules. Flag any existing employees who have not been provided with a written statement.

Next steps

Step 3

Review the status of all workers to identify who is an “employee” and who is a “worker”. Note that if you engage workers after 6 April 2020, they will be entitled to a written statement from day one – no matter how long you are engaging them for.

Next steps

Step 4

Review any upcoming new starters after 6th April (employees and workers) who will be entitled to a written statement from day one of their employment.

Next steps

Step 5

Review all training carried out within the organisation/across all parts of the business. Identify any training that is compulsory and any other compulsory training that you do not pay for.

Next steps

Step 6

Ensure all managers are aware of the new legislation and requirements and that they must make appropriate arrangements for staff who request an updated statement even if a verbal or email request.

Risk of non-compliance

Failure to provide a written statement

Tribunal dispute

Additional claim for failure to provide the written statement

ET may award the claimant 2-4 weeks pay



Questions?

0844 324 5840

enquiries@hrsolutions-uk.com

www.hrsolutions-uk.com

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One of our team will review your answers and provide you with a bespoke report for your organisation.

<https://hrsolutions.microsoftcrmportals.com>

Portal Search: *HR Risk



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