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Moore & Tibbits are delighted to announce that we have now expanded our range of services, adding Employment Law to our long list of specialist areas.

Lisa Aitken is a solicitor experienced in advising employers and employees on a range of contentious (employment disputes, grievance, disciplinary matters and Employment Tribunal work) and non-contentious employment issues (contracts of employment, advice regarding employment policies and procedures).



Contact **Lisa Aitken**

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“I am excited to be joining **Moore & Tibbits** and continue the commitment of providing the very highest standards of legal advice and assistance to the people of Warwick and surrounding areas. It is a well-regarded firm that I am proud to be part of.”

Lisa's appointment enables us to also support our commercial team and continue to offer a specialist and tailored all-round service to our clients which is something that not many local firms are able to offer.

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WELCOME to our first Employment Newsletter. We aim to keep you up-to-date with employment law and changes in legislation so you can ensure your business is legally compliant. Please see details on the reverse of how to sign-up to receive future editions.

Are you ready for April 2020?

Employment Contracts

The written statement of terms and conditions of employment will become a day one right.

Key changes:

- | For those employed after 6th April 2020, a statement of written particulars must be given by the end of their first day of employment.
- | It will cover employees AND workers
- | In addition to the current information that must be provided to new joiners, from 6th April 2020, additional information must also be included:
 - How long the job is expected to last or end date of a fixed-term contract
 - Any variation in the normal working hours (flexible working)
 - Notice periods to terminate the agreement
 - Details of eligibility for sick leave and pay
 - Details of other types of paid leave eg. maternity and paternity
 - Duration and conditions of any probationary period
 - All remuneration to include pay, health insurance etc.
 - "Any other benefit provided by the employer"

Action Points:

- | Review all contracts to ensure these include all required information for new joiners after 6th April 2020.
- | Review recruitment processes and procedures to ensure documentation is provided on day one or before the first day of work.
- | If your workforce includes flexible working, consideration needs to be made to include these terms such as how hours and days may vary.
- | Assess your benefits – review which types of benefits should be covered and their contractual status.

How we can help:

These changes could have financial and legal implications if they are not complied with. Our specialist Employment Solicitor has a wealth of experience and can provide advice and guidance in helping your business prepare for these changes.



Extension of IR35 to the private sector

The IR35 tax rules reforms are aimed at reducing tax avoidance for off-payroll contractors who are working through a personal service company (PSC). From 6th April 2020, medium and large sized private sector businesses are responsible for determining the status of a contractor for tax purposes and who is liable for deducting tax and national insurance.

Action Points:

- | Review your current workforce (including those engaged through agencies and other intermediaries) to identify those who are supplying their services through a PSC. You may need to make individual decisions and have different communication with each PSC.
- | Put processes in place to determine if the off-payroll rules will apply to future engagements
- | What are the effects? Determining employment status, contracts of employment and liabilities such as pension liability are areas that you may need the assistance of a legal employment specialist.

How we can help:

These changes could have financial and legal implications if they are not complied with. Our specialist Employment Solicitor has a wealth of experience and can provide advice and guidance in helping your business prepare for these changes.

Parental Bereavement Leave

The Parental Bereavement (Leave and Pay) Act 2018 which is expected to come into force in April 2020 will entitle parents who have sadly lost a child before their 18th birthday or suffer a stillbirth from the 24th week of pregnancy to two weeks leave. This law makes Parental Bereavement Leave a legal right for the first time in the UK's history.

Parents are entitled to this right on day one of their employment and employed parents will be able to claim pay for this period subject to meeting eligibility criteria. Losing a child is the most devastating and unimaginable experience that any parent could suffer and this new law is a big step in recognising the needs of bereaved families.

Action Points:

- | Consider having a written bereavement policy in place.
- | Be aware of religious and cultural observances on death (some religions require a set time for mourning)
- | Be aware of bereaved mothers' maternity leave rights – employers should remember that mothers who lose a child after 24 weeks of pregnancy or during maternity leave will not lose their entitlement to maternity leave and pay.

Holiday Pay

The Government made a commitment to improving the holiday pay arrangements for seasonal workers. To calculate the amount of holiday pay an employee or worker will receive, the employer will usually take the earnings over the past 12 weeks as a reference point and calculate the average earnings over that period. The reference period will soon be 52 weeks or if the worker has been employed for less than 52 weeks, the number of complete weeks that have been worked.

Action Points:

- | Identify which workers the new reference period will be relevant for.
- | Ensure that all records of pay for the 52 weeks prior to 6 April 2020 are up-to-date and continue to accurately record this data.



The key message from the Employment Law changes to be implemented on the 6th April 2020 is to review your contracts. This can often be time consuming when you are running a business, but our Employment team are here to help. If you would like further advice or information on any aspect of employment law, please contact **Lisa Aitken** on **01926 491181** or email: Lisaa@moore-tibbits.co.uk



To keep up-to-date with employment law and changes in legislation, sign up to our free newsletter by emailing Esme:esme@moore-tibbits.co.uk. You can opt-out at any time.