



WORKMATTERS
The natural choice for human resources

NEWSMATTERS

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WELCOME TO THE FIRST NEWSLETTER FOR 2023

Our newsletter is issued to you quarterly to ensure that you can be kept up to date with employment issues. We will offer helpful hints on how to handle situations within the workplace, please feel free to give us a call for both guidance and support no matter what the issue.

Firstly we look at the changes in national minimum wage which will affect your business during 2023 followed by a brief look at the legislation planned for 2023/24. An overview of the changes that took place in 2022.

This month we have given you information on supporting and boosting mental health in 2023 and beyond.

We think you'll find the articles very interesting. Please call us on 01442 870742 to discuss any of these articles and see how we can help you and your business more effectively in the field of Human Resources. Alternatively have a look at our website www.workmattershr.co.uk and email us from there or on info@workmattershr.co.uk

If you would prefer not to receive any future newsletters from Work Matters (HR) Ltd, please reply to this email with 'unsubscribe' in the title and we will remove you from our list — thank you.

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CHANGES TO NATIONAL MINIMUM WAGE IN 2023

April 2023 National Minimum Wage Rates

This will increase from £9.50 to £10.42 for workers aged 23 and over (national living wage)

The other rates will increase as follows:

Workers aged 21-22: from £9.18 to £10.18 an hour

Workers aged 18-20: from £6.83 to £7.49 an hour

Workers aged 16-17: from £4.81 to £5.28 an hour

Apprentice rate: from £4.81 to £5.28 per hour

Proposed Statutory Family Rates (SMP, SPP, SAP, SPBP & SShPP)

The rate for 2023/24 for statutory maternity (SMP), paternity (SPP), adoption (SAP), parental bereavement (SPBP), and shared parental leave (SShPP) is set to increase from £156.66 to £172.48 per week.

SSP is also set to increase from £99.35 to £109.40 per week.

The average earnings an employee has to earn to be entitled to these payments is set to remain at £123 per week.

Action Points for employers: Keep a record

There is a requirement under the NMW Regulations to maintain sufficient records to evidence that the NMW has been paid for at least the last 3 years. It is a criminal offence not to do so. As an added incentive, there is a presumption that an employee has not been paid the NMW unless an employer can prove to the contrary.

Be mindful of 'salary sacrifice'

For example, this may be where employees opt for increased pension contribution or childcare vouchers by way of deduction from their gross salary. If so, it is important that this must not take the employee's average hourly pay below the NMW. The Government has confirmed (following concerns that this denies the lowest paid the benefit of the tax breaks brought by a salary sacrifice scheme), that, whilst an employer caught paying below the NMW on this basis alone would not be subject to a penalty, they could still be 'named and shamed'.

Consider your employees' 'Working Time'

This may or may not be applicable depending on your sector. The concept of 'working time' does not necessarily just mean the time spent by the employee doing his/her job. For example, if there are any mandatory steps for an employee at the beginning or end of their working day, e.g. security checks or drug and alcohol tests, these processes may be included in working time. Additionally, staff working through unpaid breaks may raise issues as they are not being paid for working time.

Kings Coronation

The coronation, to be held on Saturday 6 May 2023 and will be marked with an additional bank holiday on Monday 8 May 2023, will be for many a once in a lifetime experience. Employers should therefore start to plan how they will deal with time off requests, and employees wanting to watch coverage of the event whilst working. They will also need to make arrangements where they are expecting to be busy in the lead up to, and during, the event.



EMPLOYMENT LAW CHANGES IN 2023

1. Flexible working a day one right

The Employment Relations (Flexible Working) Bill is a private member's bill to amend the existing statutory regime for flexible working requests. It was published on 21 October 2022 and has now gained government backing.

The changes would include:

- Making the right to request flexible working a "day one" right (there is currently a 26-week service requirement);
- Allowing employees to make two requests in any 12-month period (rather than the current one request);
- Reducing the decision period within which employers are required to respond to a request from three months to two months;
- Introducing a requirement for employers to consult with an employee before rejecting their request; and
- Removing the requirement that an employee must explain what effect the change would have on their employer and how that might be addressed.

The eight business reasons for refusing a statutory request would remain unchanged.

2. Sexual Harassment at Work

Another long-anticipated reform is to the existing law on harassment. It was introduced to parliament via a private member's bill on 15 June 2022 and makes provision in relation to the duties of employers and the protection of workers under the Equality Act 2010. It has since received government support.

The Workers Protection Bill introduces a new duty on employers to take all reasonable steps to prevent sexual harassment in the workplace and reinstates employer liability for third party harassment. If the bill is passed in its current form, an employee would be able to bring a third-party harassment claim against their employer after a single incident of harassment by, for example, a client or customer. Even if the bill completes the parliamentary process in 2023, it will not come into force until 2024 at the earliest.

3. Carers Leave

In September 2021, the government confirmed that it would introduce a new right to one week of leave per year for unpaid carers.

A private member's bill makes provision for employees to take one week's unpaid leave each year for the purpose of caring for a dependant with a long-term care need. The right would apply from day one of employment.

The bill has government backing but there is no timetable for implementation.

4. Neonatal leave and pay

Changes are planned to introduce a right to paid leave for eligible employees with a child who is receiving, or has received, neonatal care.

Parents will have a right to neonatal care leave of at least one week and up to a maximum of 12 weeks regardless of length of service, and parents with at least 26 weeks' continuous service will have a right to receive neonatal care pay at a prescribed statutory rate.

Employees taking neonatal care leave will have the same employment protections as those associated with other forms of family related leave.

The bill passed its second reading in parliament in July but there is no known timetable for implementation.

5. Enhanced redundancy protection for pregnancy and maternity

Currently, women on maternity leave have special protection in a redundancy situation and must be offered a suitable alternative vacancy where one is available in priority over other employees at risk of redundancy.

The government is backing the Pregnancy and Maternity Discrimination Bill, which proposes to introduce regulations to extend this protection to employees during their pregnancy and after they return to work from maternity leave. The length of the protected period is not specified in the bill.

It has not been confirmed when the enhanced protection will come into force.

EMPLOYMENT LAW CHANGES IN 2023 CONTINUED...

6. Retained EU Law Bill

The Retained EU law (Revocation and Reform) Bill, which was introduced to parliament on 22 September 2022, provides that all retained EU law contained in secondary legislation will be revoked by a “sunset date” of 31 December 2023 unless a decision has been made before then to preserve it.

There has been no indication from the government about what may change although there could well be implications for regulations covering working time, TUPE, agency workers, part-time workers and fixed-term employees, all of which derive from EU law.

7. Other Developments

In addition to the legal developments above, most recently the government has proposed the controversial Strikes (Minimum Service Levels) Bill which would provide for minimum service levels where strike action is taken in public services including health, rail, education, border security, nuclear decommissioning, and fire and rescue.

It is also important to report on what is not happening in 2023. Although there had been an announcement that the proposed changes to the IR35 regime would be reversed, the change in prime minister brought with it a change in policy and the rules relating to IR35 remain unchanged.

Finally, it appears that for now at least the government’s proposals for a single enforcement body for employment rights has been shelved.

A REVIEW OF WHAT HAPPENED IN 2022

For the first time since the outbreak of the covid pandemic, 2022 was a return to relative normality, and a refocus on general employment laws. As a result, we saw a number of new rights introduced, removed, and proposed, making it a busy year for legal changes.

Sickness certification

A change to fit notes that happened last year was the decision to allow a wider group of medical professionals to issue fit notes, in place from 1 July 2022. Already from 1 April 2022 fit notes no longer had to be physically signed by a doctor, and from 1 July nurses, occupational therapists, pharmacists and physiotherapists could certify and issue fit notes. However, this did not mean that it was possible to visit a local pharmacy and come away with a fit note: they still could only be issued by one of the above professionals working in a hospital or clinical setting, such as a doctor’s surgery.

Employment related payments

2022 also saw the introduction, and swift repeal, of the “health and social care levy”. This 1.25% increase to national insurance contributions, brought in on 6 April 2022, was designed to fund the NHS, health and social care. Once Boris Johnson resigned, however, Liz Truss, who briefly served as Prime Minister, was quick to undo this, and it was removed from 6 November.

Agency workers allowed to cover for striking workers

The government proposed a number of ways to tackle industrial action, and there are still plans that may yet come into place, such as minimum staffing levels for national infrastructure during strike action. One major change that did come in from 1 July was the repeal of the ban on employers using agency workers to cover for striking workers.

How long this change will remain in place is unclear, as unions have been granted permission to raise a Judicial Review of this law over the lack of consultation prior to its introduction.

Right to work checks go digital (permanently)

Another piece of law that came into force last year was one that enabled employers to instruct a third-party Identity Service Provider (IDSP) to carry out digital identity checks for British and Irish nationals, through the use of Identification Document Validation Technology (IDVT). This put the temporary measures introduced during covid on a permanent footing, albeit in a changed format.

Ban on exclusivity clauses extended

A further legal change that was introduced, on 5 December, was the extension of the ban on the use of exclusivity clauses in contracts that guarantee the employee equal to or less than the lower earnings limit, currently set at £123. This ban means that employers who were trying to circumvent the pre-existing ban for zero hours contracts by guaranteeing a small number of weekly hours could no longer do so and opens up a group of employees to a range of new employment opportunities.





BOOSTING EMPLOYEE MENTAL HEALTH IN 2023

Introduction

According to the World Health Organisation (WHO), the first year of the Covid-19 pandemic saw reports of anxiety and depression jump by a massive 25 per cent worldwide. However, burnout is one of the biggest mental health challenges that raised its head during lockdown and continues to be a significant issue.

During lockdown, working from home accelerated an 'always on' working culture, where online presenteeism and managers' expectations for teams to do more work are rife. In countries such as the UK, Canada and the US, employees report the time they spend logged on at their computer has increased by more than two hours a day since the pandemic, according to data by NordVPN Teams.

Unfortunately, the end of lockdown has not resolved these issues. Workloads are still unreasonable, and the added pressure of the global economic crisis and looming recessions mean people feel unable to take their foot off the gas, even when running on empty.

As this lengthy period of political, economic, social and environmental challenge continues, it is no wonder that employee mental health is taking a hit. The recession, the cost of living crisis, are all contributing to worsening workplace mental wellbeing.

So what can Employers do to best support their staff and boost mental health in the year ahead? Make health and wellbeing your top business priority in 2023 here are some simple steps to try:

1. Run a wellbeing strategy day

The best way to set the working year up on a positive note, is to organise a wellbeing strategy day for the whole company. You can devote the time to learning about the various factors that are affecting your employees' mental health, where staff may need more support, and how you can implement that support. It's a good idea to have a rough action plan to hand about the business's wellbeing goals for the year that you can present to your teams. This could include introducing policies like 'permission to pause', where employees can take some personal time during the working day without feeling guilty. Or you could implement weekly 'time to talk' slots, where a physical or virtual space is dedicated to open and supportive conversation between colleagues and managers about what they may be struggling with. Outlining such policies demonstrates your care and that you are working towards the best work-life balance for all staff, which is the first step towards better workplace mental health.

BOOSTING EMPLOYEE MENTAL HEALTH IN 2023 CONTINUED...

2. Introduce more opportunities for exercise

Exercise is a known medicinal intervention to support our mental health and can often provide a helping hand with periods of mental health challenges. It can be difficult to encourage staff to incorporate exercise into their working day, particularly with busy personal and professional lives, but there are some simple changes employers can make to schedule exercise time for their teams. You could introduce 'walking meetings', leaving the boardroom behind and organising different walks nearby for each weekly meeting. Or you could schedule different 'taster' classes during each week that anyone can pitch up to — think anything from yoga to boxing. This gives employees a chance to try out different exercises, switch their brains off and silence any stress that is starting to overwhelm.

3. Dedicate a space for practising mindfulness

Mindfulness practices help to calm our mind, ease stress and anxiety and over time and literally change the size and shape of certain areas of our brain responsible for fear and worry. The challenge here is that you need to practise a little mindfulness regularly before the overwhelm and overload kicks in. Then when there is stress or worry that we need to manage, you can draw upon your mindfulness tool to help you through the stress. Why not transform an old office or meeting room into a space for mindfulness meditation? This gives employees a dedicated quiet zone in the office where they can go and have a break from fast-paced work that may be threatening burnout. You could even put up a board outlining breathing exercises to try or provide mats for people to use.

4. Have regular post-work team get-togethers

It is important for any employee struggling with their mental health to know they can turn to their colleagues or manager for support. The best way to do this is to move this line of supportive communication to a more informal setting. Whether it's in the local pub, a walk in the park or at a coffee stop, arrange an out-of-office meet up with your team — this can be weekly or monthly. Paired with actionable in-office support, this more personal environment solidifies a sense of trust in staff, who will feel comfortable to talk openly about any difficulties they are facing, should they want to.

In order to boost employee mental health and workplace wellbeing in 2023, employers must dedicate the time to both conversation and action. Break down any stigma about mental health by educating staff on warning signs and encouraging teams to discuss their challenges. Then you can demonstrate the business's devotion to walk the walk and put in place actionable policies that support everyone's physical, mental and emotional wellbeing.

We need to move towards a better work-life culture that minimises the risk of burnout and mental health concerns at the source, but it will take time. What we can do right now is change how we support those experiencing it to give them the best chance of recovery and provide them with the understanding and tools to manage stress as they move forwards with their lives. Making the workplace a more stressless environment will help to support your workforce throughout 2023 and beyond.



Thank you for taking the time to read our Newsletter which I hope you found informative. An e-newsletter will be sent on a quarterly basis to help keep you up to date with current legislation changes, as well as giving you some helpful hints and tips to help your business run smoothly. A copy of the Newsletter is also available on our website www.workmattershr.co.uk

In the mean time please contact us if we can be of service to you or your company.

Have an enjoyable quarter and we look forward to issuing you with our next newsletter in April 2023.