



WORKMATTERS
The natural choice for human resources

NEWSMATTERS

Feb 2024



WELCOME TO THE FIRST NEWSLETTER FOR 2024.

Our newsletter is issued to you throughout the year 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 2024 followed by a brief look at the legislation planned for 2024/25.

This month we have given you information on AI and ChatGPT which has become very prevalent in our working lives.

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.

IN THIS ISSUE

1. Changes to National Minimum Wage in 2024

page 2

2. Employment law changes in 2024

page 3&4

3. Forthcoming Changes to Employment Law From Now Through 2024

page 4

4. AI – and ChatGPT

page 5&6





CHANGES TO NATIONAL MINIMUM WAGE IN 2024

National Minimum Wage Rates

This will increase from £10.42 to £11.44 for workers aged 21 and over (national living wage) The other rates will increase as follows: Workers aged 18-20: from £7.49 to £8.60 an hour Workers aged 16-17: from £5.28 to £6.40 an hour Apprentice rate: from £5.28 to £6.40 per hour.

Proposed Statutory Family Rates (SMP, SPP, SAP, SPBP & SShPP) The rate for 2024/25 for statutory maternity (SMP), paternity (SPP), adoption (SAP), parental bereavement (SPBP), and shared parental leave (SShPP) is set to increase from £172.48 to £184.03 per week. SSP is also set to increase from £109.40 to £116.75 per week. The average earnings an employee has to earn to be entitled to these payments remains 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 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.

National Insurance

Between 6 April 2023 and 5 January 2024, the rate of National Insurance contributions (NICs) for employees was set at 12% on all earnings between the primary threshold and the upper earnings limit. From 6 January 2024, the main rate is cut to 10%. Earnings above the upper earnings limit are charged at a 2% rate.

EMPLOYMENT LAW CHANGES IN 2024

The Government has confirmed that there will be a number of new laws for 2024 which will be over and above the annual statutory changes.

1. Statutory Carer's Leave – April 2024

The Government has confirmed that from 6th April, there will be a new law that gives your employees the right to take statutory carer's leave. This will be a right that eligible employees have from their first day on the job.

Employees will qualify for statutory carer's leave if they care for a dependent with a long-term care need. And if any of your employees are eligible, they'll be able to take a maximum of one week of **unpaid** leave a year to look after someone who relies on them for care.

They'll be able to take this leave flexibly but will have to give a minimum amount of notice. This is will either be double the amount of time they've requested to take or three days – whichever option is longer.

You also won't be able to refuse a carer's leave request but will be able to postpone if the leave would seriously disrupt your business operations.

2. Statutory Neonatal Care Leave – Expected October 2024

A new type of statutory leave for parents of (or those who have a responsibility for) babies in neonatal care.

It means employees who have babies in neonatal care will be able to have more time off work, on top of maternity and paternity leave. This will be a right they have from day one on the job.

To give some context around why this is coming in, two weeks in hospital could use up your employee's entire paternity leave. So, this is a way of giving those individuals more time to spend with their babies once they're out of hospital.

Employees will only be able to get a maximum of 12 weeks of neonatal leave. And if your employee is eligible, you'll also need to pay them for this leave (which will be the same rate you would pay for maternity pay).

3. Flexible Working Requests – From April 2024

From 6th April, the government will grant employees a day one right to make a flexible working request. Previously, they could only make one flexible working request a year – and they had to have worked for you for 26 weeks before they could do this.

There will be other new rules around flexible working requests too, although the government has yet to confirm when these will all land. Under these new rules, employees will be able to make two requests in a year. They will also no longer have to explain the effect they think this change in working might have on you.

When this update comes in, you'll have a legal duty to consult with your staff about their requests and make a decision about any request within two months of receiving it. The reasons for refusing a flexible working request will stay the same.



EMPLOYMENT LAW CHANGES IN 2024 CONTINUED...

4. Right to Request a more Predictable Working Pattern – Expected September 2024

This is a brand new right for certain workers. It means that workers with unstable or unpredictable working hours will have a legal right to ask for more predictable working patterns. This includes zero hour workers, agency workers, employees and those on fixed term contracts lasting less than one year. We expect that eligible workers will be able to ask for more predictable hours once they have 26 weeks of service or more. We also expect that you will have to accept any requests unless you have a legal reason to refuse.

5. A Pro-active duty to prevent Sexual Harassment at Work - Expected October 2024

This is the new Worker Protection Act. Which means next year, you will need to take reasonable steps to help prevent sexual harassment in your workplace by law. Currently, you are legally liable if your employee makes a claim for harassment and you can't show that you did anything to help prevent it. And yet, there's no legal requirement to take proactive steps to prevent harassment (like having a policy or giving training). While it's strongly recommended, it's not a requirement. But under this new law, you will be in legal trouble if your business doesn't take active steps to prevent harassment. That's whether an incident has happened or not. Your employees will also be able to make official complaints to the Equality and Human Rights commission at any point if they see you haven't taken any preventative steps. Meaning, you may have to prove that you do take steps even when there isn't a claim or allegation against you. And if you can't prove it, you would likely have to pay hefty compensation – which tribunals will have a right to increase by up to 25%.

6. Withholding Tips from Workers to be banned - from July 2024

If you work in the hospitality industry, this one is particularly relevant for you. Once this law is in place, you will not be able to keep any money staff receive as tips. You will also need to have a written policy on how you intend to fairly allocate tips to workers.

7. Calculating Holiday Pay and Leave for leave years after April 2024

Currently, you have to give holiday pay at the time that your staff take annual leave. You're not allowed to include holiday pay in your worker's hourly rate (also known as giving "rolled-up holiday pay"). But now the government has confirmed that businesses will be able to provide rolled up holiday pay again – but only for staff who work irregular hours, like zero-hour workers and part-year workers. This means you'll be able to calculate annual leave for irregular hour workers using the 12.07% accrual method (which had previously been banned).

8. Covid holiday carry over ends this month but what remains? From 1st January 2024:

- Covid holiday carry-over ends – the emergency rules on annual leave which were implemented in 2020 meant that workers could carry over 4 weeks of leave into the next 2 leave years where it was not reasonably practicable for them to take it because of the effects of Covid. From 1 January 2024, this will be removed, but for any employees who have any "Covid carry over leave" accrued by that date but have not taken it, have until 31 March 2024 to use it. Check out the 'What's New Wednesday' next week for a template letter to give to employees who are affected by this.
- Remaining rules on holiday carry-over continue – nothing is actually changing here but as these rights derive from ECJ case law it has had to be added to our legislation to ensure that the status quo is maintained. There will continue, therefore, to be a right of carry-over in the following situations:
 - Where a worker was unable to take holiday due to being on maternity leave or other family-friendly leave – they can carry over 5.6 weeks to the following leave year
 - Where a worker was unable to take holiday due to sickness – they can carry over 4 weeks of leave for 18 months after the end of the leave year in which the leave was accrued

9. Family visa

The Government has just announced that it is backtracking on the proposed increase from Spring 2024 to the salary required for family visas, and that the proposed increase to £38,700 will not now take place. Instead, they plan to initially set it at £29,000.

10. Immigration Health Surcharge

From 16th January 2024, subject to parliamentary approval, the Immigration Health Surcharge is set to increase from £624 to £1,035. From 22nd January 2024, if approved by parliament, the civil penalty when an employer is found to have employed foreign workers unlawfully, will increase:

- To £45,000 per illegal worker for a first breach.
- To £60,000 for repeated breaches.

11. Finally other changes that could come into play

- New minimum staffing levels for key emergency sectors during strikes.
- Changes to the age criteria for being auto-enrolled in a pension scheme.



AI – AND CHATGPT

With the Government calling on the business community and experts to help shape final guidance, the Department for Science, Innovation and Technology (DSIT) and Innovate UK have issued draft guidance to help employers to give their workers the skills they need for jobs alongside artificial intelligence (AI).

The aim is to help employers boost their employees' understanding of AI so they can use it safely in their day-to-day role. The draft sets out the key knowledge, skills and behaviours they should have in order to reap the benefits of AI safely — including how to use AI tools effectively such as Large Language Models and the safe and secure management of sensitive data.

Minister for AI, Viscount Camrose, said: “This guidance will be vital in helping us realise that ambition, continuing an important conversation with businesses across the UK to make sure the steps they can take are practical, functional, and successful.”

Having a workforce which is equipped to work alongside AI will, he continued, drive growth for businesses and allow them to realise the enormous opportunities AI presents in every sector of the economy.

The Framework

The AI Skills for Business Framework builds upon established models of professional competence and reflective practitioner approaches, the guide states.

The Framework is formed of five dimensions with Dimensions A through D providing skills against key phases of the AI project lifecycle while the professional values introduced in Dimension E are expected to underpin activity across all areas.

The five dimensions are:

- Dimension A: Data privacy and stewardship
- Dimension B: Specification, acquisition, engineering, architecture storage and curation
- Dimension C: Problem definition and communication

- Dimension D: Problem solving, analysis, statistical modelling, visualisation
- Dimension E: Evaluation and reflection.

As Organisations it is worth looking at your policies that are in place around AI for instance with ChatGPT being so easy to access and use having a policy which is within your handbooks or on line for all employees to access will help prevent any abuse or potential issues arising. The following is a potential policy which can be used to set the wheels in motion around this.

Introduction

As an Organisation we recognise that the use of artificial intelligence (AI) is on the increase and has been harnessed by some organisations to save time and resources and enhance the user experience. Artificial intelligence refers to computer systems that can think or act in a more human way, taking information from their surroundings to perform tasks that usually require human intelligence.

ChatGPT is an example of an AI chatbot that can provide answers to questions a user asks it. It can create content formatted in accordance with specific instructions. Although there are multiple benefits to using ChatGPT, it can be problematic when used in the workplace. Therefore, we have set out below our rules on the use of ChatGPT, both as part of your role and in your own time, in order to protect our business interests.

Risks associated with the use of ChatGPT

By the admission of its own creators (OpenAI), ChatGPT has its limits. For example, it can:

- give an incorrect answer to the question asked;
- give inconsistent answers when asked the same question more than once;
- provide outdated information;

AI – AND CHATGPT CONTINUED...

- provide information that is biased or discriminatory;
- create a security or data protection risk when confidential information is inputted.

In addition, it can engineer a false view of someone's capabilities when the information it provides is used inappropriately.

Using ChatGPT

Because of the examples of risks given above, you must not use ChatGPT to carry out any aspect of your role.

Outside of working hours, you must not input any information into ChatGPT that:

- identifies our organisation either directly or indirectly
- is reasonably considered to be confidential or sensitive information relating to our organisation.

This is because ChatGPT learns from the information that is inputted and can provide information to subsequent users based on the information it receives.

Failure to comply with the above may result in disciplinary action being taken against you.

Or depending on the type of organisation you may prefer to say:

Because of the examples of risks given above, you must not use ChatGPT to carry out any aspect of your role unless your role is of a kind which may require use of it for research or analysis purposes, or for any other purpose related to work reasonably asked of you. If this is the case, you will be made aware of your permission to use it. You should not assume that your role requires access and use of ChatGPT. You must act responsibly when given permission to use ChatGPT. This means using it solely for the task instructed.

Whether during your work activity (where use of ChatGPT is allowed in your role) or in your own time, you must not input any information into ChatGPT that:

- identifies our organisation either directly or indirectly
- is reasonably considered to be confidential or sensitive information relating to our organisation including any content that you have created as part of your work

This is because ChatGPT learns from the information that is inputted and can provide information to subsequent users based on what it has received.

Failure to comply with the above may result in disciplinary action being taken against you. This includes, in the case where you have been given permission to use ChatGPT for valid purposes on the instruction, where we reasonably believe that you have passed off work as your own that has been taken from ChatGPT which is outside of the instructions given to you.

Alternatively this maybe used:

You are permitted to use ChatGPT to carry out your tasks. However, you must be aware of the risks as set out above. You remain entirely responsible for the quality and accuracy of your work.

Failure to maintain the required quality and accuracy of your work may result in the initiation of disciplinary or capability procedures.

Whether during your work activity or in your own time, you must not input any information into ChatGPT that:

- identifies our organisation either directly or indirectly
- is reasonably considered to be confidential or sensitive organisation information including any content that you have created as part of your work.

This is because ChatGPT learns from the information that is inputted and can provide information to subsequent users based on the information it receives.

Confidential or sensitive information

Where referred to above, "confidential or sensitive information relating to our organisation" includes, but is not limited to:

- Information about employees
- Information about customers/clients/suppliers/service users
- Financial information including commercial interests
- Internal policies and procedures
- Trade secrets
- Software code



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 meantime 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 2024.