



THOMPSONS  
S O L I C I T O R S

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STANDING UP FOR YOU

IER TALK

November 2019

- The end of 2018 saw Business Secretary Greg Clark unveil a new piece of legislation the “Good Work Plan” which was heralded as the “largest upgrade in a generation” to workers with the overall goal of cementing the UK’s status as a world leader in workers’ rights now and well into the future.
- The Good Work Plan” is the government’s response to the recommendations made in the 2017 independent Taylor Review of modern working practices which looked into issues in the UK’s labour market such as the implications of new forms of work, the rise of digital platforms and impacts of new working models.

## So what does the Good Work Plan Provide?

Some of the key provisions are as follows:

- From 2020 it closes a loophole in the Agency Worker Regulations that prevents agency workers from earning the same pay as permanent staff.
- Enhances existing protections to make sure that agency workers receive a document which sets out clearly and succinctly certain key information about their work assignment.

# The Good Work Plan

- **Makes it a requirement for all workers to receive a written statement of particulars from day one in their job.**
- **A reduction in the number of employees required to request information and consultation arrangements on a wide range of employment related developments under the Information and Consultation Regulations 2004 (ICE) from 10% to 2 %.**

Further employment law reform recommended in the Taylor review, and also now set out in the draft legislation include:

- An increase in the penalty employment tribunals can order employers to pay up to £20,000 (an increase from £5,000) for aggravated breaches of employment rights where a tribunal claim succeeds.
- Amending the Working Time Regulations 1998 for calculating holiday pay for workers who have been employed for 52 weeks to be calculated over a period of 52 weeks instead of 12 weeks.

However there are huge areas where the government has taken no action and urgent steps are required

- **Employment Status - the elephant in the room**
- **The Taylor Review recommended that the Government clarify the law on employment status by setting out key principles in primary legislation.**
- **Conclusion.... Yet more research**

No mention of the following..

- A ban on zero hour contracts
- Affording greater access in the workplace to Trade Unions
- ET Fees

## The importance and breadth of EU workers' rights in the UK: what's at stake

- protection from sex, race, disability and other types of discrimination;
- pregnancy, maternity and parental leave rights;
- part-time, fixed term and agency working rights;
- working time and paid holiday rights;
- rights on transfers of undertakings;
- consultation rights; and
- health and safety rights.



## Theresa May's withdrawal agreement and political declaration

- Annex 4 to the Northern Ireland Protocol contained commitments on non-regression of labour and social standards.

They provided that:

*'...the level of protection provided by law, regulations and practices is not [to be] reduced below the level provided for by the common standards applicable within the Union and the United Kingdom at the end of the transition period'.*

- These provisions failed to offer effective protection. But, the text agreed with the EU by Boris Johnson is significantly worse.

## Boris Johnson's withdrawal agreement and political declaration

- The only references to workers' rights are contained in the 'level-playing field' provisions of the political declaration, which is not legally-binding.
- Conservatives track record on employment rights

What would be needed in any Brexit deal to protect EU workers' rights in the UK?

- a legally enforceable 'standstill' to prevent regression below current standards; and
- a system for guaranteeing dynamic alignment so as to provide for the automatic replication in UK domestic law of (i) existing EU workers' rights; (ii) new EU workers' rights subsequently created; and (iii) modifications to either.

## Conclusion