

EmployNet update

www.cwj.co.uk

Exclusivity clauses could be banned in zero hours contracts



Business secretary Vince Cable has launched a Government consultation into zero hours contracts, which could lead to a ban on the use of “exclusivity clauses” that tie workers to a single employer.

Despite some calls for zero hours contracts to be banned, the Department for Business Innovation and Skills (BIS) said it aims to tackle their misuse, following an information gathering exercise announced in June 2013.

“Our research last summer gave us a much needed insight into both the positive and negative aspects of zero hours contracts,” said Cable today. “Our consultation will now focus on tackling the key concerns that were raised, such as exclusivity clauses and how to provide workers with more protection.”

Employers need flexible workforces and people should have the choice in how they work. But this shouldn't be at the expense of fairness and transparency.

The Government is seeking views on:

- banning the use of exclusivity clauses in contracts that offer no guarantee of work;
- issuing guidance on the fair use of exclusivity clauses;
- encouraging the production of an employer-led code of practice on the fair use of exclusivity clauses; or relying on existing common law redress which enables individuals to challenge exclusivity clauses.

BIS is also looking at the transparency of zero hours contracts and is recommending options for improvement, including the possible introduction of Government-produced model clauses for employment contracts.

Peter Cheese, chief executive of the Chartered Institute of Personnel and Development, said: “When used for the right reasons, with people on these arrangements being managed in the right way, zero hours contracts provide valuable flexibility that works for both parties.

“We have published guidance designed to increase employers’ understanding of the law in this area and improve the management of these types of working arrangements to ensure workers are granted the rights to which they are entitled. It is important that as many employers as possible respond to this consultation so that we can further increase the evidence base around good practice.”

The consultation closes on 13 March 2014.

For more information on the consultation or zero hours contracts themselves, contact our team of specialist solicitors.

Meet the team



Rosa Brennan - Partner
E: rosa.brennan@cwj.co.uk
T: 01689 887872



Pritti Bajaria - Associate
E: pritti.bajaria@cwj.co.uk
T: 01689 887846



Henry Doswell - Associate
E: henry.doswell@cwj.co.uk
T: 01689 887853



Yasmin Awan - Solicitor
E: yasmin.awan@cwj.co.uk
T: 01689 887805



Jenny Hawrot - Solicitor
E: jenny.hawrot@cwj.co.uk
T: 01689 887857



Rachel Hearn - Solicitor
E: rachel.hearn@cwj.co.uk
T: 01689 887834



Clarkson Wright & Jakes Ltd
Solicitors and Notaries

Clarkson Wright & Jakes Ltd
Valiant House, 12 Knoll Rise, Orpington, Kent, BR6 0PG
Tel: 01689 887887 Fax: 01689 887888
www.cwj.co.uk

Employers confident for 2014 as over half plan to increase staffing levels

Employers are more confident about making permanent hires in 2014 than they were this time last year, according to the latest JobsOutlook survey of employers by the Recruitment and Employment Confederation (REC).

The study found 64% of employers plan to hire more permanent staff in the next quarter, which is 9% higher than in January 2013. 47% of employers said they would increase their use of agency staff in the next three months, compared to just 30% in the same period in 2013.

BCC says education must focus on "employability skills"

The British Chambers of Commerce (BCC) has urged the Government to put employability skills at the heart of the education system in 2014, so businesses can have access to the "highest skilled workers".

Speaking in his New Year's message, BCC director general John Longworth said it was essential the Government ensured employers were able to find the right people with the right skill sets for the UK to compete internationally.

Women face retirement shortfall of £8k a year

Women are not saving enough for their retirement and anticipate receiving nearly £4,000 less pension income each year than men despite working for 11 months longer, research has found.

While initiatives such as auto-enrolment are helping to raise awareness of the need for people to save for their retirement, it is imperative that people are engaged and realistic about what they need to save today to achieve their hopes for the future.

TUPE changes planned for 31st January 2014, Government confirms

Changes to the TUPE Regulations will go ahead on 31st January 2014, the Government has confirmed.

The Government will lay legislation before Parliament that will make the changes to the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations.

The TUPE changes do not go as far as initially proposed in a Government consultation, but there are still significant amendments, including:

- allowing renegotiation of terms agreed in a collective agreement one year after transfer, provided that overall the change is no less favourable to the employee;
- allowing businesses with 10 or fewer employees to inform and consult directly with employees;
- clarification that for TUPE to apply, the activities carried on after service provision changes must be "fundamentally or essentially the same" as those carried on before them, reflecting the approach set out in existing case law.

The implementation date is outlined in a Government statement of new regulation, which also confirms a start date of 6th April 2014 for the expansion of the right to request flexible working to all employees.

For more information on the changes to TUPE, contact our team.

SME's prioritising sustainability to make them more attractive employers

25% of Britain's Small and Medium Sized Enterprises (SMEs) say sustainability is one of their top three priorities for 2014, reflecting a renewed confidence and desire to focus on developing their businesses', according to research from Lloyds Bank Commercial Banking.



However, the findings show that many businesses are still focused on traditional 'green' activities, including energy saving and recycling rather than the broader range of sustainable business practices relating, for example, to supply chains and sourcing.

87% of businesses that have implemented sustainable business practices believe there are clear benefits:

- 54% believe it helps reduce their costs
- 42% say it makes a positive contribution to the environment
- 30% believe it increases their profitability
- 27% feel it makes them a more attractive employer
- 26% believe it makes a positive contribution to the community

Similarly, 87% believe that ignoring sustainable business practices can be a risk with a significant number of businesses believing it had a negative image on their costs, profits, brand perception, competitive edge and compliance with relevant legislation.

Contact our team of solicitors for more information on implementing key sustainability policies.

You're fired! 1 in 10 Christmas parties end in dismissal

According to HR departments across the UK, 1 in 10 office Christmas parties will have ended in disciplinary action or dismissal for an unlucky employee. Too much booze, food and festive fun causing chaos for employers and employees alike. So as we return to the office in the New Year, perhaps the best resolution we can all make is to save the sherry for the trifle!