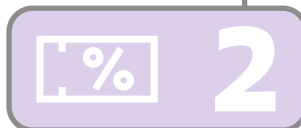


# Top 10 Employment law issues for Care Homes



## Sleep ins and National Minimum Wage

The Court of Appeal has clarified conflicting case law and ruled that workers are not entitled to be paid the national minimum wage for time they are asleep on sleep-in shifts. However, Unison have sought leave to appeal to the Supreme Court so this may not be the final word on this matter.



## Abolition of childcare vouchers

From 5 October 2018 childcare voucher schemes will close to new applicants. Alternative support may be available to employees through tax-free childcare.

## Legal challenge to employment status

Following the Supreme Court's decision in *Pimlico Plumbers*, we await the Court of Appeal's decision on worker status for Uber drivers in October 2018 and the outcome to the four Taylor review consultations.



## Taxation of termination payments

From April 2019, all termination payments above £30,000 will be subject to class 1A National Insurance contributions.

## EU (Withdrawal) Bill - anticipated 2019

If passed, the bill will end the primacy of EU law in the UK on the UK's exit from the EU. The bill aims to incorporate all EU legislation into UK law with effect from the exit date, after which the government will decide over a period of time which parts to keep, change or remove.

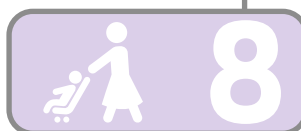


## Immigration

As employers of significant numbers of EU workers, care homes will need to be aware of the Government's immigration plans, including the settled status scheme, as soon as they are announced to consider the impact on their recruitment practices.

## Parental Bereavement Leave - expected 2020

The proposed new laws will give employed parents two weeks' paid leave if they lose a child under 18. The bill goes significantly further than most other countries in providing this kind of workplace right for employees.



## Grandparental leave

In 2016, the government announced plans to extend shared parental leave and pay to working grandparents by 2018. It is understood that these proposals are still on the table but there has been no consultation paper and no date has been given for their implementation.

## Agency workers

In *Kocur v Angard Staffing Solutions Ltd* and another, the EAT held that under the Agency Workers Regulations 2010, the conditions of agency workers after 12 weeks, as compared to permanent employees, have to be looked at term-by-term and not by assessing the overall package. This case has been appealed and is due to be heard by the Court of Appeal in April 2019.



## Data protection

In *WM Morrison's v Various*, the High Court found that Morrison's was vicariously liable for the disclosure of personal data of its staff caused by a disgruntled employee, a significant decision for care homes which handle a great deal of service user personal data. Morrison's appealed and the Court of Appeal hearing is due to take place in October 2018.

