

# HR and employment: your 2017 to-do list



<p><b>Gender pay gap reporting and equal pay</b></p>	<ul style="list-style-type: none"> <li>• If you're a private / voluntary sector employer with 250 or more employees, gender pay gap reporting will be high on your agenda – Workbox users can access detailed guidance at <a href="#">Gender Pay Gap Reporting</a>.</li> <li>• Over <a href="#">7000 equal pay claims by Asda store workers</a> will be progressing through the tribunal – more large-scale private sector claims may follow.</li> </ul>
<p><b>Pay, minimum wage and statutory rates</b></p>	<ul style="list-style-type: none"> <li>• Our blogs explain <a href="#">minimum wage rates from April 2017</a> and <a href="#">minimum wage rates for agricultural workers</a>.</li> <li>• From 10 April 2017, statutory sick pay increases to £89.35, and statutory maternity pay (and pay for other family leave) to £140.98 per week.</li> <li>• The government may issue a response to its <a href="#">consultation on tips and gratuities</a>.</li> </ul> <p><a href="#">Workbox</a> users can check up-to-date <a href="#">statutory rates</a> at any time.</p>
<p><b>Apprenticeship levy</b></p>	<ul style="list-style-type: none"> <li>• If you have an annual pay bill over £3 million, you will be liable for the <a href="#">apprenticeship levy</a> from 6 April 2017.</li> <li>• If you have workers living in England, new digital apprenticeship service accounts will be used to administer apprenticeship funding.</li> </ul> <p><a href="#">Workbox</a> explains the <a href="#">apprenticeship levy</a>, including how it will apply in Scotland.</p>
<p><b>Brexit, immigration, fluent English</b></p>	<ul style="list-style-type: none"> <li>• The process for leaving the EU via the triggering of Article 50 is expected to begin by the end of March 2017.</li> <li>• The <a href="#">Supreme Court decision on whether the government can trigger Article 50</a> without Parliamentary approval is due in the New Year.</li> <li>• With future immigration controls for EU workers as yet unknown, many are considering <a href="#">what steps are appropriate for them at this stage</a>.</li> <li>• A new <a href="#">immigration skills charge</a> of £1,000 per employee will apply to Tier 2 employers from April 2017.</li> <li>• The requirement for public authorities to ensure <a href="#">customer-facing workers speak fluent English</a> came into effect in December 2016.</li> <li>• A <a href="#">consultation on excluding employers penalised for employing illegal workers from NICs employment allowance</a> closed on 3 January 2017.</li> </ul> <p><a href="#">Brexit: immigration and employment law</a> on <a href="#">Workbox</a> tracks the latest developments.</p>

<b>Data protection</b>	Despite Brexit, the government has confirmed that the <a href="#">UK will implement the EU General Data Protection Regulation</a> (GDPR) in May 2018, and businesses should continue to prepare for it.
<b>Holiday pay</b>	British Gas may appeal to the Supreme Court in the <a href="#">Lock case</a> , and the EAT decision is expected in <i>Fulton v Bear Scotland</i> .  Calculating holiday pay in practice is explained on our <a href="#">Workbox Holiday Pay</a> page.
<b>Trade unions and industrial action</b>	Changes on <a href="#">strike legislation are outlined in our blog</a> .
<b>Employment status</b>	<ul style="list-style-type: none"> <li>• Look out for an <a href="#">appeal in Uber</a>, and other cases considering the difference between employees / workers / self-employed.</li> <li>• The government is taking stock via its review of <a href="#">Employment Practices in the Modern Economy</a> and inquiry into the <a href="#">Future World of Work and Rights of Workers</a>.</li> <li>• Changes come into effect from 6 April 2017 for <a href="#">IR35 in the public sector</a>.</li> </ul>
<b>Termination payments</b>	<a href="#">Changes to tax on termination payments</a> are due in April 2018, but bear these in mind, especially for negotiations late 2017.  In the public sector, changes are expected soon: <ul style="list-style-type: none"> <li>• £95,000 cap on most exit payments.</li> <li>• Other restrictions on exit payments are being negotiated at workforce level.</li> <li>• Repayment of part of exit payments for those earning at least £80,000 if they are re-employed in the public sector within 12 months.</li> </ul>
<b>Financial services</b>	<ul style="list-style-type: none"> <li>• New rules on regulatory references come into effect from 7 March 2017.</li> <li>• The government plans to extend the Senior Manager and Certification Regime to anyone authorised under the Financial Services and Markets Act in 2018 – details should be available in 2017.</li> </ul>
<b>Restrictive covenants</b>	The government's <a href="#">call for evidence on non-compete clauses in employment contracts</a> closed in July 2016 and a response is awaited.
<b>Tribunals and tribunal fees</b>	<ul style="list-style-type: none"> <li>• Unison's Supreme Court appeal on tribunal fees is due to be heard in March 2017. The government's review on tribunal fees is to be published 'as soon as practicable'.</li> <li>• Employment tribunal administration will be devolved to the Scottish Parliament: there could be significant reform to the Scottish tribunal system and tribunal fees.</li> <li>• The government is consulting on <a href="#">reforms to employment tribunals in England and Wales</a> – this closes on 20 January.</li> <li>• Employment tribunal decisions are to be published in an online searchable database, which could lead to increased media interest.</li> </ul>
<b>Discrimination and disability</b>	Case decisions may shed light on the following: <ul style="list-style-type: none"> <li>• <a href="#">Can employers ban religious dress at work?</a></li> <li>• When is an employer treated as knowing about an employee's disability?</li> <li>• Was it discriminatory to expect a disabled employee to work long hours?</li> </ul>

	<ul style="list-style-type: none"> <li>• Is it age discrimination to retire police officers after 30 years' service?</li> <li>• Were black and minority ethnic employees aged over 35 disadvantaged by a skills assessment test?</li> <li>• Is it contrary to EU law for UK legislation to allow pension plans to prevent civil partners accessing benefits that accrued before 5 December 2005?</li> <li>• Was it sexual orientation discrimination for a 'Christian bakery' to refuse to bake a cake with the words 'Support Gay Marriage'? The Northern Ireland Court of Appeal refused permission to appeal to the Supreme Court but the bakery has announced that it intends to seek leave to appeal from the Supreme Court directly.</li> <li>• Did a dismissed teacher suffer religious discrimination for standing by her husband when he was convicted of child sex offences?</li> </ul> <p>The government <a href="#">Green Paper: Improving Lives</a> discusses health and work, including possible changes to statutory sick pay and fit notes. Responses are due by 17 February 2017.</p>
<b>Whistleblowing</b>	<p>The Court of Appeal will consider:</p> <ul style="list-style-type: none"> <li>• When is a disclosure 'in the public interest' (meaning you are protected as a whistleblower)?</li> <li>• Was a dismissal automatically unfair under whistleblowing rules even though the dismissing manager was unaware of the disclosures?</li> </ul> <p>The code of practice for employers on whistleblowing is to be reviewed in 2017.</p>
<b>Corporate governance</b>	<p>Changes may result from:</p> <ul style="list-style-type: none"> <li>• <a href="#">Green Paper on corporate governance reform</a></li> <li>• <a href="#">Inquiry on corporate governance</a></li> <li>• <a href="#">Report into the ethnic diversity of UK boards</a></li> </ul>
<b>Tax</b>	<ul style="list-style-type: none"> <li>• Our <a href="#">Autumn Statement</a> update highlighted changes to benefits in kind, salary sacrifice, employee shareholders and disguised remuneration.</li> <li>• The childcare voucher system is to be replaced with a new <a href="#">tax-free childcare scheme</a> which will not involve salary sacrifice (meaning current NICs advantages will not apply).</li> <li>• Other tax changes are highlighted elsewhere in this update.</li> </ul>
<b>Grandparent leave</b>	<ul style="list-style-type: none"> <li>• There are plans to extend shared parental leave and pay to working grandparents by 2018 – hopefully we will learn more about the plans in 2017.</li> </ul>
<b>Sunday working in retail</b>	<ul style="list-style-type: none"> <li>• The rights of shop workers to opt out of Sunday working are to be strengthened.</li> </ul>