

Welcome

Welcome to the summer edition of In Focus, our quarterly update keeping you informed of developments in employment law.

For further information on employment issues, please email roger.bull@burgess-salmon.com



Mind the gap

The government has issued a Consultation Paper **Closing the Gender Pay Gap** asking for views on how to implement its commitment to require employers of 250+ employees to publish gender pay information.

The consultation does not give details on the specific gender pay gap data employers will be required to publish. There is, however, an indication of the information that the government is considering including in the new reporting requirements as it is seeking information on the extent employers are currently able to calculate from existing data and systems:

- an overall gender pay gap figure by calculating the difference between the earnings of men and women as a percentage of men's earnings
- gender pay gap figures broken down by full-time and part-time employees
- gender pay gap figures broken down by grade or job type.

The consultation recognises that employers may want to explain any gender pay gaps and what remedial action is being taken. Therefore it questions whether providing a narrative should be voluntary or compulsory and also seeks views on how often the information should be provided.

It is likely that regulations will be made during the first half of 2016, with commencement delayed to allow employers to prepare for implementation. The government is also considering commencing the regulations on a phased basis, starting with larger employers with 500+ employees.

We intend to submit a response to this consultation and please let us know if you would like to share your views with us before we do so. The consultation closes on 6 September 2015.

In the window of time before publication becomes an obligation, businesses should consider auditing pay levels to identify any potential risks and develop change and ER strategies to manage them. Burgess Salmon can help you structure this process, identify any issues of concern and devise a strategy for addressing them and, because our advice is legally privileged, critical documents can be kept confidential.

We have developed a [gender pay audit advisory service](#) to help employers with 250+ employees to take proactive steps before the obligation to publish gender pay comes into force.

Visit our website at www.burgess-salmon.com

Right to strike hike

The government has published the Trade Union Bill, which would impose a minimum of 50% turnout in ballots for industrial action with a minimum backing of 40% of those eligible to vote in certain parts of the public sector. The government is seeking evidence on who within the fire, health, education, transport, border security and nuclear decommissioning sectors should be subject to this 40% threshold requirement.

The Bill also includes proposals for:

- a four month limit on a strike mandate for industrial action to take place, after which time another ballot would be required
- an increase, from 7 to 14 days, in the amount of notice of industrial action that needs to be given to an employer

- employers facing industrial action to be allowed to hire temporary agency workers to perform some of the duties of employees that would not otherwise be carried out due to the industrial action
- the reform and modernisation of the rules and codes of practice on picketing to take account of social media and the possibility of making unlawful picketing and intimidation of non-striking workers a criminal offence.

Three separate consultation documents on the proposals have been published alongside the draft Bill. The consultation is open until 9 September 2015 and the government intends to publish its response six weeks later.

News in brief

- The two year cap on unlawful deductions from wages came into force in Great Britain for claims lodged on or after 1 July 2015.
- The government has published an [Intermediaries Legislation \(IR35\) discussion document](#)

and is seeking views on how to improve the effectiveness of IR35.

- From April 2016, a new compulsory National Living Wage (NLW) of £7.20 per hour will be introduced for workers aged 25 and above.

Stopping the traffic

The Modern Slavery Act 2015 introduces a new duty for commercial organisations carrying on business in the UK with a total turnover of £36m or more to prepare a slavery and human trafficking statement for each financial year.

The slavery and human trafficking statement, signed by a director and approved by the board of directors, will need to include a statement of the steps that the organisation has taken during the financial year to ensure that the slavery and human trafficking is not taking place in any of its supply chains or in any part of its own business (or that the organisation has taken no such steps). The statement will need to be made available in a prominent place on the company's website. It is intended that this duty will be brought into force in October 2015, subject to transitional provisions.



Email alerts

To access our recent email alerts please visit:

www.burges-salmon.com/practices/employment/news/

In the office

- The employment team was placed third in the Lawyer Awards for UK Employment Team of the Year.
- The employment team recently braved the rain to volunteer at Feed Bristol, Avon Wildlife Trust's eight acre community food growing project. The team split their efforts over two days and used (previously undiscovered) woodworking skills to build tables for use in Feed Bristol's new greenhouses and improve the wildlife gardens.

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