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The Good Work Plan

Urgent Updates

The Good Work Plan has been referred to as 'one of the biggest shake ups of employment law in a generation' introduces changes, designed to focus on quality of work, satisfaction, pay, participation and progression, wellbeing, and security.

Its changes below will take effect on 6th April 2020;

Written statement of terms

Presently, if you have been continuously employed for more than one month, you must be provided with a written statement of terms within two months of employment commencing.

From 6 April 2020, all new employees and workers will have the right to a statement of written terms from their first day of employment.

The obligation will apply to all engagements, regardless of their length.

Additional information will have to be included as part of the extended right, such as:

- Working days – must be specified
- Variability in hours / days – i.e. refer to shift rota patterns
- Paid leave, e.g., maternity leave
- Benefits, e.g. Private Health, Life Insurance, Childcare Vouchers
- Probationary period
- Training (Whether mandatory and who is to pay for its cost)

Your Employer does not need to update your contract of employment / statement of terms if you started employment before April 2020. However, if you request it, such a statement must be provided within one month; and any such statement must comply with the new requirements.

Changes to any particulars in a statement must be notified within one month. All employees and workers must be notified of any changes, including if you were employed before April 2020 and didn't receive information on those particulars in their original statement.

Given the new obligation is to provide particulars on 'day one', your employer should begin preparation of the revised statement of particulars during the recruitment stage and ensure that these include every element of the new requirement. Employers will need to consider who might qualify as a worker, issuing contracts of employment only to employees, and using a separate template when issuing particulars for workers, or those who are classed as self-employed.

Agency workers rules

It is established that Agency workers have the right to the same pay and basic working conditions as directly employed staff after 12 weeks' continuous service in the same role – the equal treatment

principle. There is an exemption from the right to equal treatment as regards pay (including holiday pay) if an agency worker is employed under a permanent contract of employment with the agency and is paid a minimum amount between assignments. This is called the Swedish derogation.

The Swedish derogation is being abolished from 6 April 2020. All agency workers will be entitled to equal pay with directly employed staff after 12 weeks in the same role. Written notification that the derogation will no longer have effect must be provided by the agency to workers whose contracts have a Swedish derogation provision by 30 April 2020.

In addition, from 6 April 2020 all employment businesses will have to provide agency work-seekers with a key facts statement, before agreeing the terms by which the work-seeker will undertake work. The document must be headed “Key Information Document”, be separate to any other documents, provided to the work-seeker, and include specified information. (Type of contract, Identity of Employment Business, Payer, expected rate of pay and date of payment, deductions, non-monetary benefits, entitlement to paid annual leave, and an estimate of take-home net pay).

Adjustment to the Holiday pay reference period

Currently, the holiday pay reference period, used to calculate holiday pay, is 12 weeks for workers with no normal working hours (variable hours), or those with normal working hours but whose pay varies with the amount of work done, or according to the time of the work.

On 6 April 2020, the holiday pay reference period will increase from 12 weeks to 52 weeks for such workers. Your Employer will be required to look back at the previous 52 weeks where you have worked and received pay, discounting any weeks not worked or where no pay was received, to calculate the average weekly pay. Where you have been employed for less than 52 weeks, the reference period will be the number of weeks you have been employed.

This will ensure that a “weeks pay” for holiday pay purposes is more stable and help deal with variations where there are peaks and troughs in hours worked (e.g., seasonal work and atypical work).

Rate Changes for April 2020;

Statutory Sick Pay;

£95.85 per week

National Minimum Wage;

Category of worker	Hourly rate
Aged 25 and above (national living wage rate)	£8.72
Aged 21 to 24 inclusive	£8.20
Aged 18 to 20 inclusive	£6.45
Aged under 18 (but above compulsory school leaving age)	£4.55
Apprentices aged under 19	£4.15
Apprentices aged 19 and over, but in the first year of their apprenticeship	£4.15

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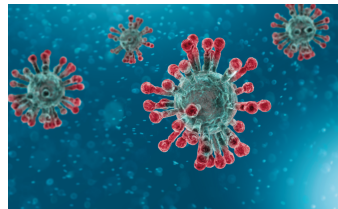
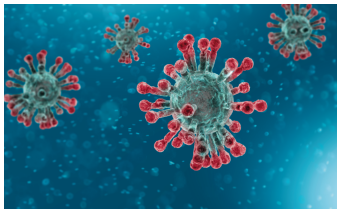
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Statutory Maternity, Paternity, Adoption, Shared Parental and Parental Bereavement Pay

Type of payment**2020 to 2021 rate**

Statutory Maternity Pay– weekly rate for first 6 weeks	90% of the employee's average weekly earnings
SMP – weekly rate for remaining 33 weeks	£151.20 or 90% of the employee's average weekly earnings, whichever is lower
Statutory Paternity Pay– weekly rate	£151.20 or 90% of the employee's average weekly earnings, whichever is lower
Statutory Adoption Pay– weekly rate for first 6 weeks	90% of employee's average weekly earnings
SAP – weekly rate for remaining weeks	£151.20 or 90% of the employee's average weekly earnings, whichever is lower
Statutory Shared Parental Pay – weekly rate	£151.20 or 90% of the employee's average weekly earnings, whichever is lower
Statutory Parental Bereavement Pay (SPBP) – weekly rate (applies from 6 April 2020)	£151.20 or 90% of the employee's average weekly earnings, whichever is lower

March 17th, 2020

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