



October 2022 Update

Welcome to this month's update - where we discuss the latest legislation and guidance.

In this month's edition, we report on:

- New Right to Work checks
 - Can an employee bonus aid retention?
 - Supporting working dads
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New Right to Work checks

In March 2020, temporary COVID-adjusted right to work checks were set up to allow employers to carry out checks of British and Irish citizens remotely under lockdown restrictions.

This was kept in force until the end of September 2022. From 1st October, the right to work rules changed and the COVID-adjusted checks are a thing of the past.

This means that employers will need to change the way they onboard staff.

Employers can no longer check someone's right to work by looking at a picture or a scanned copy of their documents. You also won't be able to carry out checks using video calls, emails, or any apps.

There are now two options:

1. You can carry out in-person checks by conducting a manual check of British and Irish citizens' original documents, using the Home Office Right to Work form; or

For foreign nationals, you need to either carry out a manual check or an online check using the Home Office's free online checking service. You may need to ask your overseas applicant to start an application on the 'prove your right to work' portal and fill in their information.

2. You can complete a digital check with a certified identity service provider (IDSP).
To do this, your worker must provide an image of a valid British or Irish passport. An IDSP then carries out checks digitally on your behalf.

You need to keep records of the digital check for up to two years after an employee leaves your company.

Try not to leave a right to work check until your new starter's first day, it is best to do it before they start.

Make sure you add a right to work clause in your offer letter and employment contracts. So, if your worker doesn't have the right to work in the UK, you can terminate their contract.

If employers don't follow the new rules, they can be fined up to £20,000 per worker or it could be a criminal conviction.

Employers: make sure your internal policies and onboarding process is up to date.

Contact us: we can assist with interviews, onboarding and induction.

Can an employee bonus aid retention?

It's an employee market with people able to choose where and when they work. This has a knock-on effect for businesses who are struggling to retain their talent. To counteract this, many organisations are looking at different ways to retain talent within their businesses.

One of the most popular solutions is to offer better employee incentives and benefits. This can include the introduction of a bonus scheme.

Bonus schemes, which reward employees financially are good at:

- Improving motivation
- Strengthening engagement
- Lowering recruitment costs
- Enhancing business performance
- Building team collaboration
- Increasing levels of happiness
- Encouraging loyalty

Keep it simple

Types vary from performance related to contractual and discretionary, with some being more complicated than they need to be.

You need to ensure you have a scheme that is widely understood and not open to individual interpretation and helps to make employees feel valued.

Essentially a bonus needs to be tied to something (goal, quota, objective, performance), rather than a manager simply deciding who is and who isn't going to get one and the amount.

What should be included?

It should be clear and easily accessible for anyone in your company to understand what's required of them. Although, if you're setting high expectations, you need to meet them, too. That means paying bonuses promptly and in full.

Finally, a bonus scheme needs to be well drafted, be transparent and include the following information:

- Objectives of the scheme
- Scope of the scheme
- Rules of the scheme (targets and measurement)
- Key performance conditions
- Who's eligible
- Length of scheme
- Date for payment/frequency if more than one payment due
- Payment amount
- How it's calculated
- Tax implications

Do they work?

Bonuses do work because they encourage employees to work to help the company succeed and they try to share the risk between the business and the employee.

Plus, if an employee is given recognition, it can have a knock-on effect, improving not only their own performance, but also that of their colleagues or team. However, they are not the only driver, training and development should work hand in hand.

Employers: make sure any bonus scheme is clear and tied to achievable objectives.

Contact us: if you need further help, advice and support on the drafting or implementation of your bonus schemes.

Supporting working dads

Working dads felt their difficulties were compounded by the fact that few others in their companies may have trodden the path before them and taken extended parental leave. Perhaps there with a lack of role models to learn from, they had to pave the way for others in their organisation.

In common with their female counterparts, dads were concerned about the impact that taking parental leave or playing a bigger role in childcare may have on their future career prospects.

It seems there is a striking contrast, in the way mums and dads made their decisions about the work-childcare equation.

Men were generally driven by the potential financial impact of their choices, with emotional considerations secondary. Whereas women tended to be led by their emotions first, with monetary issues lower down on their agenda.

Some fathers said they were still coming up against generational biases in the workplace about childcare responsibilities, with often an unspoken (and, in some cases, spoken) expectation that women should shoulder the majority of the caring.

Some senior managers were found to raise an eyebrow if their male employees had to miss meetings or take time off to deal with a childcare issue.

Equally, dads sometimes found they were praised and regarded as heroes for taking leave to contribute to childcare, which would not have happened to mothers.

At a time of pressing skills shortages, it is vital that organisations hang on to their talented staff, both male and female. So, it is worth taking the time to think about how your organisation can better support male employees who want to spend more time looking after their families?

Consider the following:

- Audit HR policies to ensure they are easy to read and mums and dads are treated equally when it comes to parental leave and flexible working.
- Is your business really as family friendly as it aspires to be? What can be done to improve the situation for working parents?
- Coach managers on how to support working dads in their teams. Are there some who you think need to make the necessary mindshift?
- Find out what support working dads need. Perhaps a networking group or would they prefer a wider support group that included all working parents?
- Share examples of the good practice/success stories around working parents happening in the business, so that it becomes a cultural change.

Employers: review your policies and mindset around working parents and how they are perceived.

Contact us: we can assist with drafting policies and implementation

For more information or assistance Email: enquiries@employmentlawsupport.co.uk



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Employment Law Support Principal: Caroline Robertson
Solicitor Non-Practising