



February 2023 Update

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

In this month's edition, we report on:

- Monitoring employees in the workplace
 - Extension of ban on exclusivity clauses
 - Upskilling your workforce
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Monitoring employees in the workplace

In October 2022, the Information Commissioner's Office (ICO) started a consultation on its monitoring at work draft guidance.

The new guidance will cover both systematic monitoring, where an employer monitors all workers or groups of workers as a matter of course (such as if software is used), as well as occasional monitoring from time to time.

Businesses should be aware of the following guidance:

- The UK GDPR and the Data Protection Act 2018 do not prevent monitoring but set out a framework for the collection and use of personal data. Employers need to balance the level of monitoring against their legitimate business needs and those of their workers.
- Employers must make staff aware of the purpose, extent and reasons for the monitoring unless for exceptional reasons they need to undertake covert monitoring.

- Businesses should not use the information collected for a new purpose unless it is compatible with the original purpose.
- Employers should carry out a data protection impact assessment for any monitoring that is likely to result in a high risk and keep this under review.

Employers: the consultation for the draft guidance ended on the 20 January 2023, after which it is anticipated the finalised guidance will be published later this year.

Contact us: we can guide employers on their use of internet, email and computer policies.

Extension of ban on exclusivity clauses

In 2015, exclusivity clauses were made unenforceable against workers on zero-hour contracts.

The government is proposing to extend the ban on exclusivity clauses for workers whose earnings are below £123 per week. This is estimated to cover around 1.5m workers throughout the UK.

According to the latest guidance and releases, legislation for these reforms will be come before Parliament later this year so we will get the detail then.

Employers: make sure your zero hours contracts do not have exclusivity clauses.

Contact us: we can assist with drafting zero hours contracts and employment contracts.

Why you should invest in upskilling our workforce

The world of work has changed in the last few years. Not only have we had to adapt to hybrid work cultures and remote workspaces, but phrases such as employee engagement, quiet quitting and a national skills shortage are now commonplace.

Recent research has shown that eight in ten business owners admit that the lack of skills is having a negative impact on their organisation and employees have reported that a key reason for resigning is the lack of investment in their skills.

So, instead of looking in vain for employees with the right skills, think about how to upskill your existing team to take on new challenges.

Upskilling enables your staff to improve their job performance, confidence and advance their career, whilst allowing you to fill existing skills gaps and improve business performance.

Typically upskilling involves learning new techniques or technologies and can be done via attending workshops or seminars or engaging in personalised online-learning platforms. Studies show that the more learning opportunities employees receive to harness new skills the more engaged they become.

There are many other advantages to an employee of investing in their ongoing development, such as:

- increased levels of confidence and motivation
- feeling more valued and loyal to the business
- improvement in job satisfaction and morale
- greater adaptability and flexibility
- enhanced problem-solving skills
- willingness to take on more responsibilities and challenge
- career progression

Upskilling helps businesses to identify and fill skills gaps within the organisation thus:

- Retains talent: opportunities for learning and training will ensure your staff stay with the business with career growth, saving time and money.
- Attracts new talent. appealing to candidates who have a personal growth mindset.
- Increases productivity and efficiency: with employees completing tasks more effectively.
- Boosts your reputation: showing your business invests in its staff.
- Futureproof your business: keeping ahead of the competition by being able to respond to change/innovation.

Employers: fostering a learning culture will create a happier, more agile, innovative workforce that is able to attract, retain and develop talent to grow your business.

Contact us: we can assist with training.

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



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