



March 2024 Update

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

In this month's edition, we report on:

- New legislation due in April
 - WhatsApp Groups at work: the risks
 - How to achieve interview success online
-

New legislation due in April

Carers leave: allow employees to apply, from day one, for up to one week of unpaid carer's leave, in any 12 month period.

- The right applies to employees who have a dependant with a long-term care need and those who want to be absent from work to provide or arrange care for that dependant.
- Requests can be in consecutive, or non-consecutive, half-days or full days.
- Employees must give notice, in writing, of their intention to take carer's leave – confirming their entitlement to take it and giving at least twice the amount of notice than the period of leave requested. Or, if longer, three days' notice.
- Employers can postpone a request if the operation of the business would be unduly disrupted. In these circumstances, the employer must give notice of the postponement before the leave was due to begin and must explain why the postponement is necessary.
- The employer must then allow the leave to be taken within one month of the start-date of the leave originally requested. Rescheduling the leave should be done in consultation with the employee.

Flexible working

- The right to make a flexible working application applies when an employee begins employment (a day one right) rather than being employed for 26 weeks.
- Increasing the number of statutory requests an employee may make per 12-month period from one to two.
- Reducing the period an employer should deal with the request from 3 months to 2 months.

Paternity leave

- Employees will be able to take their two-week paternity leave entitlement as two separate blocks of one week (rather than having to take just one week in total or two consecutive weeks).
- Employees will be able to take paternity leave at any time in the 52 weeks after birth (rather than having to take leave in the 56 days following birth).
- Employees will only need to give 28 days' notice of their intention to take paternity leave (reduced from the previous position that required notice to be given 15 weeks before the expected week of childbirth (EWC)).
- The Regulations apply in all cases where the EWC is on or after 6 April 2024.

Redundancy protection for new and expectant parents

The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 are also set to be brought into force starting in 6 April 2024.

- Employees who inform their employer of their pregnancy on or after 6 April 2024 will also now receive the added protection throughout their pregnancy and all the way through to 18 months after the baby's date of birth if the employee tells their employer of this date.
- If not, the protected period will end 18 months after the EWC.
- Employees taking adoption leave will be covered for 18 months from the date of placement.

Employer: make sure your policies build in the new changes once they have come into force.

Contact us: for updates to your policies and handbook.

Employee WhatsApp groups: what are the risks?

WhatsApp messaging is increasingly popular in the workplace as a way for colleagues to communicate with each other.

However, it can present its own set of challenges. So what role, if any, does it really play in the workplace and what are the risks?

Both employers and employees will be unaware that their WhatsApp messages may have to be disclosed as part of court or employment tribunal proceedings or in reply to a data subject access request.

We all know that employees often do not express themselves in a professional manner in messaging platforms.

Employees communication in WhatsApp groups can lead to an employer being “vicariously liable for actionable claims”. For example, if the message is discriminatory.

Employees may also make unauthorised disclosures of the employer’s confidential information or that of the employer’s clients via WhatsApp messages causing damage to the employer’s business either directly or by claims from the employer’s clients for breach of confidence.

Companies should consider how they use such platforms in their business and whether communication via these platforms is the best method. This is particularly important with more remote working and less face to face interactions.

Key points:

- Clear policies and procedures should be in place to help reinforce the organisation’s stance.
- Training on appropriate communication and behaviour for staff will also help to minimise these risks.
- Clear guidance / management if an employee oversteps the mark in communication.
- Good HR support to allow employees to communicate issues quickly

Employers: make sure you have guidance in place for the use of WhatsApp groups.

Contact us: we can assist with HR support to your employees.

How to achieve interview success online

As more interviews are taking place online rather than face to face make sure you latest research shows the biggest interview turnoffs for employers:

Here are the main findings when interviewing over video:

1. Being late
2. Limited research into the company
3. Lack of eye contact
4. Lack of preparation
5. Speaking to someone else whilst on the call
6. Switching off the camera
7. Undertaking the interview from a coffee shop or park
8. Interrupting before the interviewer has finished a sentence
9. Using speakerphone
10. Technical difficulties during the call (screen freezing, buffering and interruptions)
11. Inappropriate attire
12. Giving long unstructured answers
13. Not being specific
14. Not giving examples of work undertaken
15. Not asking any questions

Of course an interview is much an opportunity for the candidate, as it is for the employer, to see if there is a fit and whether or not they want to work for the company in question. Preparation and consistency with questions for all candidates is key.

Face to face interviews are vital as second or third rounds. It gives employers an opportunity to read candidates body language and pick up on other emotional and behavioural cues to gauge their interest in the role and of course to build rapport. Finally, it's also important to not let unconscious bias or any preconceptions get in the way of you identifying and recruiting great talent.

Employers: make sure you put candidates at ease and set out what is expected from them from the outset with clear joining instructions.

Contact us: we can support interviews and induction.

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



Disclaimer: This newsletter is provided for general information only and does not constitute legal or other professional advice. If you require advice on a specific legal or HR issue, please contact enquiries@employmentlawsupport.co.uk.

Employment Law Support accepts no responsibility for any loss which may arise from reliance on information contained in this newsletter.

Employment Law Support Principal: Caroline Robertson
Solicitor Non-Practising