



## *This week in Employment Law*

### Getting ready for Easter bank holidays

With many employees looking forward to time off on Good Friday (7 April 2023) and bank holiday Monday (10 April 2023), we look at what employers need to know.

- Employees often think they have an automatic right to time off work on a bank holiday, however this is not the case. There is no statutory entitlement for employees to not work bank holidays, but this is instead determined by their contract of employment.
- Employers should check their specific contractual wording carefully to ascertain the position on time off for bank holidays. For example, employers will need to give staff time off in lieu (TOIL) for working a bank holiday if they only offer them the statutory minimum 5.6 weeks' annual leave including bank holidays.
- Subject to any contractual entitlement, employers are not required to pay an enhanced rate for bank holiday working, although some may want to consider offering this to help keep staff motivated.
- Employers should remind employees that Friday 7 and Monday 10 April 2023 are bank holidays and confirm if their employees are required to work.
- Organisations with an April/March leave year should be aware that in 2024, Good Friday falls on 29 March. As a result, there will be nine bank holidays in the leave year 2023/24, but only seven in 2024/25. Employers should check their contractual wording to determine their position and ensure they are meeting their contractual and legal obligations.

### Review of whistleblowing framework launched

The Department for Business and Trade (DBT) has launched a review of the whistleblowing framework to examine who is covered by whistleblowing protections; the availability of information and guidance for whistleblowing purposes; and how employers and prescribed persons respond to whistleblowing disclosures, including best practice. The review is expected to be concluded by Autumn 2023.

#### *Did you know?*

In the meantime, employers should review their internal policies and procedures, to make sure employees have the opportunity to raise any concerns or allegations of wrongdoing.

### EU's new pay transparency and sustainability measures

The European Union Parliament has voted to adopt new directives on pay transparency and mandatory sustainability reporting. The pay transparency measures include requiring employers to post a pay range in job postings or provide the pay range before the job interview, as well as banning them from asking candidates about salary history. Employees will have the right to request specific information from their employer about their pay.

#### *Did you know?*

As the UK has left the EU, the UK government will not be required to implement these measures, however, we could see progress towards introducing similar legislation.

### Employer's retirement age was unlawful discrimination

The employment tribunal has ruled that the University of Oxford's Employer Justified Retirement Age (EJRA), which enforces retirement for workers at age 68, was unlawful age discrimination against four professors. The EJRA was implemented to improve diversity and succession rates for younger staff, but the tribunal concluded that it was not a proportionate means of achieving a legitimate aim.

#### *Did you know?*

The Judge highlighted that the University of Oxford had not made any attempt to measure the effect of the Employer Justified Retirement Age on actual vacancy creation.