

## *This week in Employment Law*

### Preparing for the King's Coronation

**On Saturday 6 May 2023, the Coronation of King Charles III will take place, followed by an additional bank holiday on Monday 8 May 2023 to mark the occasion. But, what does this mean for employers?**

- The day of the Coronation is not a bank holiday so it will be a normal working day for all those who would normally work on a Saturday or who are on the rota to work.
- Businesses which usually open on a Saturday will have to consider any changes to their normal arrangements in terms of staffing. Some businesses may decide to close, perhaps because they predict they will have no custom or because they would like to give their employees the day off to watch the ceremony, but that will be at the discretion of employers.
- The government has relaxed alcohol licensing laws for the weekend of the Coronation, so many hospitality businesses will want to take advantage of this extra trading time. Employers should check employee contracts to see where they stand in terms of flexibility on working hours.
- Entitlement to time off on the extra bank holiday on Monday 8 May 2023 will depend on contractual wording. For example, if a contract says employees are entitled to time off on "eight public/bank holidays" per leave year and lists those days, there is no automatic entitlement to time off on the extra bank holiday. But, if the contract says employees are entitled to paid leave on "all public/bank holidays" in a leave year, they will have a contractual entitlement to the extra day.

### Tips bill moves closer to becoming law

The Employment (Allocation of Tips) Bill has successfully passed through the House of Lords. Once it gains Royal Assent, employers will be legally required to distribute tips and service charges fairly amongst staff. Those in the hospitality sector, where tipping is common, should prepare to implement changes. A new statutory code of practice, which is still to be released, will provide further guidance on how employers should do so.

#### *Did you know?*

Workers will also have a new right to request more information relating to an employer's tipping record, enabling them to bring forward a credible claim to an employment tribunal.

### Government's fire-rehire consultation closes

The government's consultation on its draft fire-rehire statutory code of practice closed last week, on 18 April 2023. Whilst Ministers will need time to review the responses, we could see the introduction of a new Code in the near future. This means that more importance will be placed on fully consulting and negotiating with employees in change to terms situations before employers forge ahead with their plans.

#### *Did you know?*

If a dismissal is found to be unfair, the tribunal will be able to award an uplift on the compensation awarded to the claimant of up to 25% for failure to follow the Code.

### Redundancy process was age discrimination

A business manager at a school was made redundant less than three weeks before she was due to turn 55, when she would have been eligible to withdraw her pension, including a 25% tax-free lump sum payment. The employment tribunal decided that the employee's upcoming 55th birthday was a "significant motivator" in the trust's approach and, therefore upheld her claim for age discrimination.

#### *Did you know?*

The tribunal concluded that the process was accelerated to ensure her employment ended before her birthday, and that a younger employee would not have faced an accelerated process.