

BDBF'S 2021 ROADMAP FOR HR

ISSUE	ACTION POINT	RAG RATING
BREXIT AND MIGRANT WORKERS	<ul style="list-style-type: none"> • Identify EEA/Swiss nationals who have not secured the right to work in the UK under the EU Settlement Scheme and encourage them to apply before 30 June 2021. • Establish a system for checking EEA/Swiss nationals right to work in the UK after 30 June 2021. Aim to conduct checks before 30 June 2021 where possible to avoid the risk of a worker missing the deadline for applying under the EU Settlement Scheme. • Apply for a sponsor licence to allow you to sponsor prospective EEA/Swiss nationals to work for you in the UK on or after 1 January 2021. Allow up to 8 weeks for the application to be processed by the Home Office. Allocate responsibility within your business for compliance with sponsor licence duties. 	
IR35 RULES	<ul style="list-style-type: none"> • Assess whether the new IR35 rules apply to any of your contractor arrangements. • If the regime applies: (i) review relevant contracts and commence dialogue with affected contractors; (ii) allocate responsibility within your business for ownership of the process; (iii) establish the status determination and dispute resolution processes; and (iv) review payroll software. • If you wish to avoid or limit the application of the regime, take steps to reorganise your working practices. 	
GENDER PAY GAP REPORTING	<ul style="list-style-type: none"> • Ensure gender pay gap figures for 2020/1 are ready for publication by 4 April 2021. Where figures have been skewed by furlough absences, explain this in any accompanying narrative. 	
EMPLOYMENT CONTRACTS / SETTLEMENT AGREEMENTS	<ul style="list-style-type: none"> • Audit non-disclosure provisions in employment contracts and settlement agreements and consider what amendments will be needed to comply with forthcoming legislation restricting the use of NDAs (and also the SRA Warning Notice on NDAs if applicable). 	

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CLOSURE OF THE FURLOUGH SCHEME	<ul style="list-style-type: none"> Consider preparatory steps needed to bring furloughed workers back to work. If redundancies are required, plan the process and, if required, ensure the HR1 is filed in time. 	
FLEXIBLE WORKING	<ul style="list-style-type: none"> Consider your approach to continued homeworking and prepare a homeworking policy if required. Collate information on how homeworking has affected your business and consider possible grounds for refusing requests for permanent homeworking. 	
GENDER PAY AND ETHNICITY PAY REPORTING	<ul style="list-style-type: none"> Consider who will have responsibility for: (i) gender pay reporting if it is extended to your business for the first time; and (ii) ethnicity pay reporting if it is introduced. Consider performing a “dry run” of the calculations before the obligations come into force. 	
EMPLOYMENT CONTRACTS	<ul style="list-style-type: none"> Audit employment contracts to identify which employees are subject to non-compete restrictions and consider whether they are necessary. Consider how other post-termination restrictions could be enhanced in the event that non-compete restrictions are banned or limited. 	
REDUNDANCY POLICIES AND PROCEDURES	<ul style="list-style-type: none"> Consider how your redundancy policies and procedures will need to be amended in order to comply with the forthcoming rules on extending redundancy protection for pregnant workers and family leave returners. Deliver training to line managers at the relevant time. 	
FAMILY-FRIENDLY	<ul style="list-style-type: none"> Consider your approach to the new rights to neonatal leave and carers’ leave and allocate responsibility for drafting new policies in due course. Review all family leave and flexible working policies to ensure fit for publication if required to do so. 	

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HOLIDAYS	<ul style="list-style-type: none"> • Be ready to adjust your approach to calculation of holiday pay pending the Supreme Court decisions in this area in 2021. • Consider accrued holiday entitlements of staff and whether you need to prescribe when holiday is to be taken. 	
WHISTLEBLOWING	<ul style="list-style-type: none"> • If UK Government announces it will align with the EU Whistleblowing Directive: (i) devise or update whistleblowing policies and procedures; and (ii) train staff on the new rules. 	
AREAS TO MONITOR	<p><i>Legislation</i></p> <ul style="list-style-type: none"> • Equal Pay (Information and Claims) Bill 2019-21. • Pregnancy and Maternity (Redundancy) Protection Bill 2019-2021. • Public Interest Disclosure (Protection) Bill 2019-21. • Office of the Whistleblower Bill 2019-21. • New legislation restricting use of NDAs in contracts and settlement agreements. • New legislation extending protection from redundancy to pregnant workers and family leave returners. • New legislation on neonatal leave and pay. <p><i>Consultations and responses</i></p> <ul style="list-style-type: none"> • Government’s responses to the consultations on reform of family leave, introduction of carers’ leave and the publication of family leave and flexible working policies. • Progress of the Government’s consultation on restricting the use of non-compete clauses (closes on 26 February 2021). • Progress of the Government’s consultation on the ban on exclusivity clauses (closes on 26 February 2021). <p><i>Other</i></p> <ul style="list-style-type: none"> • A decision on whether the furlough scheme will be extended beyond 30 April 2021. • A decision on whether the UK will align with the EU Whistleblowing Directive. • Supreme Court holiday pay decisions (expected by Autumn 2021). 	