



9 February 2018

The Government's Good Work?

The Government has published "Good Work", its response to the Taylor Review on modern working practices. The Government has accepted, or agreed to take further action in the form of commencing consultations on, the overwhelming majority of the Taylor Review recommendations, particularly acknowledging that it wants to provide greater clarity on employment status and the need to balance flexible working practices with protection for workers.

Given the wide scope of the recommendations and the fact that many areas of impact involve devolved powers, further work is needed before any substantive changes will take effect. Therefore, alongside its response, the Government has launched four consultations covering employment status, increased transparency, agency workers and enforcement of employment rights.

Key areas of interest that are being consulted upon include:

- **Employment status** – the need for clarity on the test of employment status. The Government believes the current three-tier system of *employee*, *worker* or *self-employed* is appropriate, but it is considering the statutory codification of the test.
- **Statement of particulars** – potentially requiring employers to provide a written statement of terms for all workers, not just employees.
- **Minimum Wage** – ensuring that gig economy workers are paid the National Minimum Wage or National Living Wage.
- **Entitlement awareness** – increasing awareness of the rights and entitlements of workers, (e.g. holiday pay).
- **Enforcement** – asking HMRC to enforce statutory holiday pay and sick pay, as well as simplifying the process to enforce tribunal awards and naming and shaming those who fail to pay.
- **Stability** – potentially giving workers the right to request a "more predictable contract", (e.g. guaranteed hours for zero-hours workers or a direct employment contract for agency workers).

The deadlines for responses to the consultations are between 9 May 2018 and 1 June 2018.

All **Good** intentions, but it will **Work**?

TRAVERS SMITH

If you would like to discuss how any of the issues outlined above may affect your business, please get in touch with your usual employment department contact or any of the employment partners below.

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