

Linklaters

At a glance:

EMPLOYMENT & INCENTIVES

developments
this month



Training

We regularly deliver seminars, workshops and skills training to clients on a range of Employment & Incentives topics. Click [here](#) to see the full list of topics. If you are interested in any of these, please get in touch.



Survey: At a Glance

We'd like to know how useful you find our "At a Glance" publications and how we can improve them. Please click [here](#) to complete a "one-minute" survey to give us your views. Many thanks!



Covid-19

Coronavirus Job Retention Scheme extended to 30 September 2021

The CJRS has been extended to 30 September 2021. The scheme will continue in its present form until the end of June 2021 with a **phased reduction in the level of funding from 1 July 2021**:

- > Until 30 June: The government will pay 80% of wages up to a cap of £2,500 per month for hours not worked. Employers must pay employer NICs and pension contributions.
- > From 1 to 31 July: The government will pay 70% of wages up to a cap of £2,187.50 for unworked hours. Employers will pay employer NICs and pension contributions and 10% of wages to make up the 80% total (up to a cap of £2,500).
- > From 1 August to 30 September:
The government will pay 60% of wages up to a cap of £1,875 for unworked hours. Employers will pay employer NICs and pension contributions and 20% of wages to make up the 80% total (up to a cap of £2,500).

Regulations on calculating a week's pay for furloughed employees extended

The government has introduced further regulations amending the Employment Rights Act 1996 (Coronavirus, Calculation of a Week's Pay) Regulations 2020 (SI 2020/814) (“**Week's Pay Regulations**”), which require employers to calculate various statutory payments, including redundancy and notice pay, with reference to a furloughed employee's normal week's pay. The amendment regulations extend the operation of the Week's Pay Regulations until 30 September 2021.



Worker status

Addison Lee denied permission to appeal finding that its drivers are workers

Following the Supreme Court decision in *Uber v Aslam*, the Court of Appeal has set aside its grant of permission for minicab firm Addison Lee to appeal a ruling that its drivers are workers and not self-employed in the case of *Addison Lee Ltd v Lange*. The court held that in light of the decision in *Uber*, Addison Lee's appeal had no reasonable prospect of success.



Pregnancy and maternity discrimination

Campaign to reform shared parental leave and other rights

Maternity Action, together with several other parents' rights groups, have put together an [Action Plan](#) calling on the Government to urgently implement policies to end pregnancy and maternity discrimination at work. For more information, please see our recent EmploymentLinks [blog post](#).



Health and safety

Health and safety detriment protection to be extended to workers

Section 44 of the [Employment Rights Act 1996](#) (“**ERA 1996**”) protects employees against detriment by their employer in certain health and safety circumstances, including leaving or refusing to return to their workplace or taking steps to protect themselves in circumstances of danger which they reasonably believe to be serious and imminent (sections 44 (1)(d) and (e), ERA 1996). From 31 May 2021, the protection under section 44(1)(d) and (e) will be extended to workers.

The change follows the decision in [R \(Independent Workers’ Union of Great Britain\) v Secretary of State for Work and Pensions](#), where the High Court held that by limiting the protections to employees, the UK had failed to properly implement the EU Health and Safety Directive.



Financial sector pay

Investment firms: remuneration rules proposals

The FCA's second [consultation paper](#) on the UK Investment Firm Prudential Regime (IFPR) sets out the new remuneration requirements for all MiFID investment firms. The new requirements will apply from 1 January 2022 and the consultation is open for responses until 28 May 2021. See our [client briefing](#) for details.



Market abuse rules

PDMR notifications and insider lists

The UK legislation amending the market abuse rules is now in force (see our [December publication](#)). From 29 June 2021, companies will have two working days from when they are notified of a PDMR or CAP transaction, to issue the RNS. However, the existing requirement for PDMRs/CAPs to notify the FCA and the company within three days of a transaction is not changing. See this [briefing](#) for more details of this and the other changes to the UK market abuse regime.

Companies should review and update their dealing codes to ensure they reflect the changes and have this added timing flexibility.



Trust registrations

Changes for taxable trusts

In preparation for extending the Trust Registration Service to non-taxable trusts (see below), HMRC have **announced** additional requirements for taxable trusts under the current regime. From 4 May 2021, taxable trusts are required to provide additional information to confirm if:

- > the trust is an express trust;
- > a non-UK trust has a business relationship in the UK;
- > the trust has purchased any UK land;
- > the trust has a controlling interest in a non-EEA company.

Some additional data is also required about the individuals involved in the trust.

The new trust registration requirements were introduced last year as part of the UK implementing changes to the EU's **anti-money laundering directive** (see our **briefing**). There's a time extension for new registrations until the summer of next year. See our **previous publication** for details.



Corporate governance

Increased reporting on remuneration

Last November, the FRC's Review of Corporate Governance found that there was a "mixed picture" in relation to remuneration reporting with some companies treating the Corporate Governance Code as a box-ticking exercise. And following this, in February, the FRC issued detailed [guidance](#) on reporting. See our previous publications on the [review](#) and on the updated [guidance](#).

New [research](#) (of a sample of FTSE 350 companies) by the FRC and Portsmouth University indicates that companies are now disclosing more information on remuneration and linking individual rewards to strategy and long term performance. But many reports lacked detail and outcomes and there is still a danger of boilerplate disclosures.

Overall, FTSE 100 companies adhere to Code requirements to a greater extent than FTSE 250 companies. The research also analyses shareholder dissent (20% or more) against any resolutions. The paper suggests that there should be future work on:

- > assessing the quality of disclosures; and
- > examining the narrative disclosures on shareholder voting dissent, both following the AGM and in later update statements.

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