

On the horizon



-  Details awaited
-  Open consultation; imminent implementation; ongoing activity
-  In force

SUMMARY & KEY LINKS	KEY DATES
 Worker status	
<p>In November 2016, BEIS launched a review into modern working practices, headed by Matthew Taylor. Taylor's report was published in July 2017, making a wide number of recommendations aimed at reforming working life for casual and atypical workers. In response, in November 2017, the Work and Pensions and BEIS committees published a joint report and draft bill. The Government published its response to the Taylor report in February 2018 and then also launched a number of consultations.</p> <p>In the meantime, worker status litigation is still ongoing in the tribunal and court system.</p> <p>TAYLOR REPORT</p> <p>Taylor report</p> <p>Government response to Taylor report</p> <p>WORK AND PENSIONS' AND BEIS' COMMITTEES' REPORT</p> <p>A framework for modern employment</p> <p>CONSULTATIONS</p> <p>Employment status</p> <p>Agency workers</p> <p>Enforcement of employment rights</p> <p>Measures to increase transparency in the UK Labour market</p> <p>RECENT OR IMPENDING LITIGATION</p> <p>Pimlico Plumbers v Smith (CA)</p> <p>Uber BV v Aslam (EAT)</p> <p>IGWB v RooFoods Ltd t/a Deliveroo (CAC)</p> <p>Gascoigne v Addison Lee (EAT)</p>	<p>July 2017: Taylor's report published</p> <p>November 2017: 'A framework for modern employment' published by Work and Pensions and BEIS Committees</p> <p>February 2018: Government response to Taylor report published</p> <p>February 2018: Consultation papers launched on back of Taylor's recommendations</p> <p>February 2017: CA judgment in <i>Pimlico Plumbers v Smith</i></p> <p>10 November 2017: EAT judgment in <i>Uber BV v Aslam</i></p> <p>14 November 2017: CAC judgment in <i>IGWB v RooFoods Ltd t/a Deliveroo</i></p> <p>11 May 2018: EAT judgment in <i>Gascoigne v Lee</i></p> <p>13 June 2018: SC judgment in <i>Pimlico Plumbers v Smith</i></p> <p>30 October 2018: CA to hear Uber's appeal in <i>Uber BV v Aslam</i></p>

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	Gender pay gap reporting	
	<p>Regulations came into force on 6 April 2017, requiring employers with 250 or more employees to publish on their UK website their median and mean gender pay and bonus gap figures annually from April 2018 (with the first data snapshot being taken on 5 April 2017).</p> <p>GENDER PAY GAP REPORTS</p> <p>Gender pay gap service</p> <p>LEGISLATION</p> <p>Equality Act Commencement Order</p> <p>The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017</p> <p>GUIDANCE</p> <p>ACAS Guide: Managing gender pay reporting</p> <p>CONSULTATIONS</p> <p>Closing the gender pay gap consultation</p> <p>Closing the gender pay gap: Consultation response</p> <p>Mandatory gender pay gap reporting: Consultation on draft regulations</p> <p>Response to consultation on draft regulations</p>	<p>22 August 2016: the Equality Act 2010 (Commencement No. 11) Order 2016 brought section 78 Equality Act 2010 into force allowing regulations to be made which require employers to publish their gender pay gap.</p> <p>March 2017: ACAS published statutory guidance on the regulations.</p> <p>6 April 2017: The gender pay gap regulations came into force.</p> <p>4 April 2018: Deadline for publication of first gender pay gap reports.</p>

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	Holiday pay	
	<p>Case law has led to significant developments in the way in which holiday pay should be calculated, and in particular which aspects of remuneration should be included. Judgments of the ECJ and EAT indicate that any payments intrinsically linked to the performance of the employee's tasks under the contract of employment must be included. This will include overtime and commission; other aspects of remuneration have not yet been expressly considered but may include bonus and work-related allowances such as shift premiums.</p> <p>In January 2015, new regulations came into force aimed at limiting employers' potential liabilities in respect of holiday pay claims. The regulations provide a two-year 'backstop' on holiday pay claims brought as an unlawful deduction from wages. The regulations apply to claims presented to tribunal on or after 1 July 2015.</p> <p>However, in November 2017, an ECJ judgment held that where a worker is prevented or deterred from taking holiday because the entity for whom they are working erroneously asserts they are self-employed, and therefore that they have no entitlement to paid holiday, there will be no limit to the back holiday pay which can be claimed.</p> <p>LEGISLATION</p> <p>Deductions from wages (Limitation) Regulations 2014</p> <p>CASES</p> <p>King v The Sash Window Workshop Ltd (ECJ)</p> <p>Williams v British Airways Plc (ECJ)</p> <p>Bear Scotland v Fulton (EAT)</p> <p>Lock v British Gas Trading Ltd (ECJ)</p> <p>Lock v British Gas Trading Ltd (ET)</p> <p>Lock v British Gas Trading Ltd (EAT)</p> <p>Lock v British Gas Trading Ltd (CA)</p>	<p>25 March 2015: Lock ET judgment.</p> <p>February 2016: Lock EAT judgment.</p> <p>October 2016: Lock CA judgment. The Court of Appeal upheld the EAT's decision. British Gas applied to the Supreme Court for permission to appeal but this was refused.</p> <p>December 2016: Bear EAT appeal hearing.</p> <p>November 2017: Sash Window's ECJ judgment. ECJ held that in certain circumstances, misclassified workers may bring back claims for holiday pay unlimited in time.</p> <p>November 2018: The Sash Windows case will return to the Court of Appeal.</p>

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	SUMMARY & KEY LINKS	KEY DATES
	<p>Data protection</p> <p>The General Data Protection Regulation (GDPR) was adopted in Europe in April 2016. It introduces a new regime for data protection with far-reaching consequences for employee data. There are more restrictions, new rights for employees to object to processing, wider rights of subject access and much more onerous penalties.</p> <p>LEGISLATION</p> <p>General data protection regulation</p> <p>Data Protection Act 2018</p> <p>Data Protection Act 1998</p> <p>GUIDANCE</p> <p>ICO Guide to the GDPR</p> <p>ICO Getting ready for the GDPR checklist</p> <p>ICO overview of the GDPR</p> <p>ICO GDPR guidance in 2017</p> <p>ICO guidance: What to expect and when</p> <p>ICO privacy notices code of practice</p> <p>ICO: Preparing for the GDPR - 12 steps to take now</p>	<p>25 May 2018: The GDPR took effect in Member States.</p> <p>25 May 2018: The Data Protection Act 2018 came into force.</p>
	<p>Business immigration - Brexit</p> <p>One of the most high profile issues relating to Brexit is the future status of European nationals currently working in the UK, and it has been one of the key aspects of the UK's negotiations with the EU. The current Home Office guidance is that European nationals do not need to take any steps at this stage. It says that formal certificates of registration and permanent residence are not required and that individuals should simply sign up to Home Office email alerts to be notified of any developments or future steps that may need to be taken.</p> <p>GOVERNMENT PROPOSALS</p> <p>Status of EU citizens in the UK: What you need to know</p> <p>Joint report on progress during Phase 1 of the negotiations</p> <p>Safeguarding the position of EU citizens living in the UK and UK nationals living in the EU</p> <p>Rights of EU citizens in the UK</p>	<p>29 March 2019: This date marks the UK's exit from the European Union and is the date which the Government proposes to use to determine future immigration status.</p> <p>29 March 2019 - 31 December 2020: This will be the implementation period during which EU citizens can still come to the UK on the same basis as now but if they wish to stay longer than 3 months they will be required to register.</p> <p>30 June 2021: The settled status application scheme will close.</p>

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	SUMMARY & KEY LINKS	KEY DATES
	Trade secrets	
	<p>The Trade Secrets Directive aims to introduce a minimum harmonised standard of protection for trade secrets across Member States. It introduces a definition of 'trade secret' and prescribes when a trade secret will be acquired, used or disclosed unlawfully. It sets out the sanctions which Member States must implement for any breaches of trade secret protection.</p> <p>The Directive does not protect trade secrets which are acquired, used or disclosed for the purpose of protecting the general public interest in relation to whistleblowing activity which reveals misconduct, wrongdoing or illegal activity.</p> <p>The Directive does not impact on current UK laws governing restraints of trade such as non-compete covenants.</p> <p>LEGISLATION</p> <p>Directive on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (Trade Secrets Directive)</p> <p>The Trade Secrets (Enforcement etc) Regulations 2018</p> <p>CONSULTATION</p> <p>Consultation on draft regulations concerning trade secrets</p> <p>Government response to technical consultation on trade secrets</p>	<p>June 2016. The Directive was approved by the European Council. Member States have 2 years in which to introduce legislation to give effect to the Directive. Member States may introduce greater protections than those contained in the Directive.</p> <p>19 February 2018: The Government launched a technical consultation on draft regulations to implement the Directive in the UK.</p> <p>15 May 2018: The Government published its response to consultation</p> <p>9 June 2018: The Trade Secrets (Enforcement etc) Regulations came into force</p>

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