

# CHANGES TO WORKERS' CONTRACTS FROM 6 APRIL 2020

## 1. Introduction

New rules about employment contracts will come into force from 6 April 2020. The changes will affect information to new workers and employees under section 1 of the Employment Rights Act 1996 (ERA). These are commonly known as "section 1 statements" and employers that do not provide them run the risk of enhanced compensation in an employment tribunal (ET) claim.

## 2. Key changes to entitlement

At present only employees have the right to a written statement of their terms and conditions. From 6 April 2020, that right will be extended to workers and will become a day one right.

## 3. Current information

Currently the section 1 statement must include the following:

- names of the employer and employee
- start date and the period of continuous employment
- scale and rate of pay, pay intervals and the method of calculating pay
- hours of work and any terms as to normal working hours
- holiday entitlement and holiday pay, including public holidays, and rights to accrued holiday pay on termination

- rules about sickness or injury absence and sick pay
- pensions and pension schemes
- notice periods
- job title or a brief description of duties
- whether employment is permanent or, if it is fixed-term, the expected end date
- place of work, or if the employee works at various places, confirmation of this and the employer's address
- details of disciplinary and grievance procedures, or where to find them
- any collective agreements affecting the employment contract
- certain particulars where the employment is outside the UK for more than a month each year.

## 4. Additional information

For those who start work on or after 6 April 2020 the following information must be included:

- the days of the week the worker is required to work, whether the working hours or days may be variable and if so, how they may vary
- any paid leave entitlement which is additional to annual leave and holiday pay, such as

- maternity, paternity or parental leave
- details of additional remuneration and benefits which are not specifically listed elsewhere
- any probationary period, including any conditions and its duration
- any training entitlements provided by the employer, including whether any training is mandatory and/or must be paid by the employee.

### 5. Timing of statement

Generally, most of the particulars must be provided in a single document on or before the date the employment starts – it will become a day one right.

There are some exceptions to the above rule. Certain terms can be given no later than two months after the beginning of the employment and can be given in instalments.

For the following terms the employer may choose to provide them in the principal statement or in a supplementary document:

- pensions/pension schemes
- collective agreements
- any training entitlements (although terms relating to mandatory training, including mandatory training which the worker must pay for must be given in the principal statement from day one)
- a note giving certain information about disciplinary and grievance procedures.

### 6. Access to other information

For certain other information the single document can refer the worker to another “reasonably accessible” place where the terms can be found, such as from HR or the company’s intranet. Under the new rules these are terms relating to:

- incapacity and sick pay
- any leave entitlement which is additional to annual leave (see above for full definition)
- pensions and pension schemes
- certain information about disciplinary and grievance procedures.

For terms relating to notice periods, the section 1 statement can refer to the law or a collective agreement containing those terms. It will not be permissible to refer to any other accessible document such as a staff handbook for this information.

### 7. Reps action

While these changes are for the employer to introduce before the start of the next financial year, and in relation to new workers/employees, reps may wish to seek from management a commitment that the enhanced information is provided to all existing workers and employees.

### Further Information

More information on this and other legal matters is available from:

- ❑ Val Stansfield, Employment Rights Adviser at [stansfieldv@tssa.org.uk](mailto:stansfieldv@tssa.org.uk) or 020 7529 8046
- ❑ the TSSA Helpdesk – 0800 328 2673

The information given here is for general guidance only and should not be regarded as an authoritative statement of the law.