

THE EVER-CHANGING WORKFORCE

What does the future have in store for workers and their employers?



The workplace is changing. "Offices" are decentralised, working hours are no longer "9 'til 5" and job-for-life employees are a thing of the past with the average retail worker moving on after 2 years. On demand recruitment is commonplace as retailers fill short-term, seasonal needs. Work and personal life are no longer clearly demarcated and technology is playing a greater role in the retail workplace, requiring employees to be more tech-savvy than ever before. Throw into this mix the uncertainty surrounding Brexit and the position of EEA migrants, new gender pay gap regulations and questions over the status of workers in the 'gig economy', and there is a lot for employers to consider and manage.

- ▶ The UK's forthcoming exit from the EU raises questions about what will happen to those members of a business' workforce who are EEA migrants. Retail employers are starting to think about **how best to protect the position of their EEA migrants in light of Brexit** and assess the degree of risk they are subject to, in terms of both the retention of a portion of their existing workforce and their ability to recruit in the future.
- ▶ The **gender pay gap regulations** came into force on 6 April 2017 and require affected employers to publish information annually, including the overall gender pay gap (the difference between male and female average hourly pay). The first reports are required to be published by 4 April 2018. Only a few companies have already reported, so the next 10 months will be busy as companies run the data, publish their reports and co-ordinate internal / external communications.
- ▶ The growth of what has become known as the "**gig economy**" has raised the question of employment status about those who do 'gig' work: are they workers, employees or self-employed? **Recent case law has highlighted the fact that up to half a million workers in the UK may be wrongly classified as self-employed**, exposing businesses to the risk of backdated claims and prompting employers to review their current employment relationships as a result.
- ▶ Since 6 April 2017, UK employers whose **annual pay bill exceeds £3 million** are getting to grips with new requirements to pay 0.5% of that annual pay bill towards the cost of apprenticeship training. The **new apprenticeship levy**, payable to HMRC monthly via the PAYE process, forms part of the Government's initiative to fund 3 million new apprenticeships for over 16 year-olds by 2020.
- ▶ In the largely shift-based world of retail, employees have always been alive to their rights under the Working Time Regulations. Despite recent case law providing some limited clarification on the subject, **holiday pay is still on the agenda for businesses**, especially for those with employees on commission-based pay arrangements or who work regular overtime.

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How can we help

GENERAL ADVISORY	DISPUTES	TRANSACTIONS	OTHER SPECIALISMS
<ul style="list-style-type: none">▶ Worker status and the "gig economy"▶ Gender pay▶ WTR compliance and holiday pay▶ NMW, NLW and apprenticeship levy▶ Flexible working	<ul style="list-style-type: none">▶ Employment Tribunal Litigation▶ County Court and High Court Litigation▶ Senior executive terminations▶ Settlement Agreements▶ Workplace mediation	<ul style="list-style-type: none">▶ TUPE and outsourcing▶ Restructures and redundancy▶ Acquisitions and mergers▶ Change management	<ul style="list-style-type: none">▶ Pensions▶ Incentives▶ Health & Safety▶ Brexit implications and Immigration

Who we have helped

We are an experienced team advising across all elements of employment spectrum, from day-to-day matters to key strategic projects. We are retained employment advisers to a number of leading retailers including [boohoo.com](#), [Jaeger](#), [JD Sports](#), [Primark](#), and [TK Maxx](#).

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