

Employment Matters



12th July 2024

Labour's employment proposals

The Labour party's "plan to make work pay" includes plans for significant changes to employment law and a commitment to introducing an Employment Rights Bill within the first 100 days of entering office. Key proposals include:

Minimum Wage

An intention to remove the age bands in determining the minimum wage, so that all adults will be entitled to the same minimum wage. This is likely to result in a significant number of pay rises.

Sick Pay

Strengthening statutory sick pay by removing the lower earnings limit to make it available to all workers and remove the waiting period, which is currently 3 days.

Day One Rights

Introducing parental leave, sick pay and unfair dismissal rights from day one. Labour have stated that although the current two year qualifying period for unfair dismissal will be removed, the use of probation periods will be permitted, subject to fair and transparent rules and processes. The detail is not yet known, but this is likely to require employers to be robust on their processes and procedures on dismissal for all workers.

Simplifying status

A single worker status for all but the genuinely self-employed and strengthening rights and protections for the self-employed.

Zero Hour contracts

A ban on exploitative ones, and a right for employees to have a right to a regular contract to reflect their normal hours in a 12-week reference period.

Other proposals

These include the ending of abusive fire and rehire practices, reform around union recognition and industrial action, an extension to the time limit for bringing employment tribunal claims and strengthening working women's protections from maternity and menopause discrimination and sexual harassment at work.

Updates will be issued when more information becomes available.

24th May 2024

Careers in Racing Jobs Board

We know from speaking to members that there can be a mixed response to using the Careers in Racing Jobs Board, with some jobs receiving no applications and others receiving applications from overseas workers where the potential employer does not hold a sponsor license.

The team behind the Jobs Board have sent us through statistics on its use including the number of times on average jobs are looked at and the new users each week, see the results via this link: [Careers in Racing Job Board Highlights - 2024](#)

We would encourage members to use the Jobs Board as it helps the industry know the level of vacancies as well as hopefully helping you fill the job role. We know that many trainers do put in whether or not they hold a sponsor licence and are able to recruit a new migrant worker and that is helpful information.

14th May 2024

New code for migrant worker applications

The job code classification for employing new migrant workers has changed to 6129 (from 6139) following the racing and stud roles being placed on the Immigration Shortage List.

If making any new application, job code “6129 Animal care services occupations not elsewhere classified” should be used.

Self-employed status

We quite often receive calls from members being approached by riders who wish to work on a self-employed basis and it is important to be aware of the risks to both employer and the individual when it is not the correct status. Our up-to-date guidance on self-employed status can be found [HERE](#)

Podcasts

A new podcast has landed – a short podcast on the flexible working regulations and the recent changes can be found on the podcast area of the NTF website. This gives an overview of the processes and the particular importance of following procedures if considering rejecting a request.

HMRC - Get your recruits into their roles faster – finding their employment details

Does gathering information from your new employees slow down your pre-employment checks? Your new recruits can find their 5-year employment and income history in the HMRC app and online. They can then share this with you as part of the onboarding process to get into their new role faster.

This is the quickest and easiest way for them to access their employment details from HMRC. You can accept the digital version as confirmation of previous employment from your recruits as part of your security and employment checks.

Why this matters

If you ask your new employees for their employment and income history, they will often call HMRC to request it. We then send the information by post, which can take up to 15 days and slow down your recruitment process significantly.

However, they can access their employment information in the HMRC app and online instantly. Your new employee can download and send you the digital version or print a copy to share with you at the time you need to see it.

What other helpful information can be found in the HMRC app and online?

Your new employees can find a fully accessible PDF version of their National Insurance confirmation letter quickly and easily in the app and online. They can even store a digital version of their National Insurance number card to their phone wallet – so they never have to search for their National Insurance number or confirmation letter again.

In the HMRC app and online, they will have their Pay As You Earn (PAYE) and tax information at their fingertips – including a personalised explanation of their tax code. This means they can take control of their finances and find answers themselves when things change – reducing the number of pay related queries you'll get.

What your employees need to do:

- they'll need to download the free HMRC app from the App Store or Google Play Store

- they'll need to follow the instructions on screen to complete the set up – users will be asked to sign in. If they've not already got an account, they'll need to have their passport or driving licence handy to sign up

- they'll need to sign into their account the first time they use the app, but after that they can select facial recognition, a short PIN or choose to use their fingerprint to sign in quicker.

How to access the digital version of employment and income history

In the free HMRC app :

- once open, the app will show your personalised 'Money' screen – select the 'Pay As You Earn (PAYE)' section

- select 'other tax years or employment history' and scroll down to see the 5 previous years

You can also access other key employment information (including your tax code) in the PAYE section.

26th April 2024

Safety Vests

Members may have seen the article in the Racing Post recently about a fine levied on a trainer for riders failing to wear safety vests and the BHA referring to guidance provided by the NTF as to what you should tell your employees and some suggestions for managing employees who don't wear them.

We appreciate this is not easy particularly in the winter when riders are likely to be layered up in clothing and we hope the guidance link here may be of help.

The duty upon the trainer extends to anyone on a horse under their control, so work riders and jockeys who come into ride.

We have asked the PJA and NARS to remind their members of the need to wear safety vests.

Health emergency information sharing

If you have an employee who has concerns over a letter they have received from the Home Office regarding their Biometric Resident Permit, we hope the following will be of assistance.

The Home Office is writing to Biometric Residence permit holders whose permit expires on 31st December 2024 – the expiry of the BRP does not affect the immigration status but it will

affect how the person proves their status from 2025.

The system is going digital and being replaced by eVisas. If the person is a BRP holder who is not a British or Irish citizen then they need to take action before 31st December 2024 and they will need to create a UKVI account if they don't already have one to set up their eVisa.

<https://www.gov.uk/get-access-evisa>

Once they have the eVisa that become the method by which they prove their immigration status to employers, landlords, etc.

The Home office has produced a [short video](#) about eVisas

BHA - Stable Pass Cards

There are a few instances recently reported where staff have arrived at Racecourse Stables with passes that are no longer valid or were issued for another Trainer.

Please note that if an employee leaves or a Stable Pass is no longer required, the trainer should ensure the pass is destroyed.

All passes are Trainer specific, so any person who attends the races on their behalf and needs access to Racecourse Stables must be registered on the SER and arrive with a valid stable pass for the Trainer they are representing.

12th April 2024

Employment legislation changes

A reminder that:

Flexible working requests can now be made from day 1 of employment. This does not mean that you have to grant the request but you can only refuse on certain grounds and you must not turn the request down without a consultation meeting with the employee.

Carer's leave This is one week's unpaid leave in a rolling twelve month period for an employee to give or arrange care for a dependant with an illness or injury which means they are expected to need care for more than 3 months, has a disability or has care needs because of their old age.

Paternity leave – this can now be taken in two separate blocks of one week rather than two consecutive weeks.

Redundancy protection – greater protection from redundancy during pregnancy and new parents will have extended protection when they return from maternity, adoption and shared parental leave.

Full details of the changes are set out in the [NTF employment manual](#) and advice can, of course, be obtained as normal from the NTF office.

5th April 2024

Home Office Sponsor's license

Following the success in securing six racing and stud roles onto the Immigration Salary List, it would help us in further work we are doing with the BHA recruitment and retention team to know how many of our members currently hold sponsors licenses, or are thinking of applying for one. From 4th April 2024, the minimum hourly rate for a new migrant worker hires to the UK is £15.88 per hour.

Could you please fill in the short survey found here: :
<https://paulntf.wufoo.com/forms/m1ngxu91ngllpb/>

28th March 2024

National Minimum Wage extension

There is a change to the NMW exemptions so that, from 1 April 2024, employees who carry out domestic work while living with their employer will become entitled to the minimum wage.

This does not apply if the live-in domestic worker is a family member - the exemption from the NMW still applies in that regard.

UPCOMING COURSES AT THE NATIONAL HORSERACING COLLEGE

Take a look at the upcoming specialist courses taking place at the National Horseracing College. If you would like more information on a specific course or would like to know more about our courses, please contact Sarah Beattie via s.beattie@theNHC.co.uk or call 01302 861000 or view on the NRC website <https://www.thenhc.co.uk/>

RIABS contributions increase from 1st April

Due to the increasing cost of claims the trustees of the Racing Industry Accident Benefit Scheme (RIABS) have decided to raise the weekly contribution per employee from £7.00 to £8.00. As you know, the contribution is shared equally between employer and employee.

From 1st April, trainers and eligible members of staff will each pay £4.00 (currently £3.50.)

RIABS is managed by the NTF for the trustees; the weekly benefit is run as a mutual fund so surpluses are retained within the scheme to pay claims in future years.

11th March 2024

A reminder about changes in employment law and increased statutory payments

From 6th April 2024:

Carer's Leave - employees who have caring responsibilities for a dependent will have the right to apply for unpaid carer's leave. This is up to one week of unpaid leave in any 12 month rolling period and can be taken as days or part days. There is information in chapter 3 of the NTF employment guide.

Right to request flexible working – this is changing to a “day one right” meaning employees will be entitled to make a flexible working request from day one of their employment. This is the right to make a request, not an automatic right to change hours, days, etc but an

employer can only refuse on certain grounds. Again, there is detailed information in the chapter 3 of NTF employment manual.

Protected period following family leave - the protected period during which employees on maternity leave, adoption leave or shared parental leave must be offered suitable employment if a redundancy situation arises will be extended. This will now cover a period of 18 months from the date of birth or placement for adoption. For shared parental leave, it will only apply where the parent has taken at least six consecutive weeks of shared parental leave. There is information in the redundancy chapter of the NTF manual.

Holiday pay – as previously advised, the Government has introduced a new way of calculating holiday pay for workers who leave part way through a holiday year. There is information and example calculations in chapter 16.2.5 of the NTF employment manual, as well as an updated holiday calculator on our website.

The way in which holiday entitlement is calculated for irregular hour workers and part year workers is changing where the holiday year commences on or after 1st April 2024 and detailed guidance will be produced shortly.

Advice and assistance with any of these changes is, of course, available from the NTF office.

Statutory Payment increases from 7th April 2024

SMP and other family leave

A reminder that the rate of statutory maternity pay, paternity pay, adoption pay, shared parental leave pay and statutory bereavement leave increases from 7th April 2024 to £184.03 per week (or 90% of the employee's earnings, whichever is lower). The first six weeks of SMP and SAP remain as paid at 90% of the employee's average earnings.

Statutory Sick Pay

Statutory sick pay is increasing to £116.75 per week.

Cap on Redundancy Payments.

The cap on basic pay for calculating redundancy is increasing to £700 a week. This is effective 6th April 2024.

26th January 2024

Migrant worker immigration health surcharge

The increase in the health surcharge initially anticipated this month will now come into effect

on 6th February 2024. This increases the Immigration Health Surcharge rate by 66% from to £1035 from £624 per applicant per year of leave. This is paid by most applicants when submitting their visa application form. For a 3-year visa for one person this means the IHS will be £3,105 and £5,175 for a 5-year visa.

Holiday calculation

The Government has introduced various holiday pay reforms, including a new way of calculating leave for workers terminating employment during the holiday year, the right to carry over leave and holiday pay calculations. The new way of calculating accrued leave is a relatively simple calculation whilst the reforms relating to carry over of leave and pay calculations confirm advice already given to ensure employees are aware of and encouraged to take their holiday, and what earnings should be included in holiday pay calculations. The reforms do reinforce the importance of written records showing that employees are reminded of outstanding holiday entitlement and that if not taken before the end of the holiday year it will be lost (other than where there is a statutory right to carry over, such as where holiday cannot be taken because of sickness absence or maternity/family leave). Link to the Holiday Pay Reforms and New Government Guidance worked examples [HERE](#)

National Living and National Minimum Wage increase April 2024

The National Joint Council (NTF and NARS) are in negotiations over the new Memorandum of Agreement to be effective 1st April 2024 and trainers will be notified as soon as new terms are finalised. In the interim, a reminder that the Government announced the increase in the National Living Wage effective April 2024, as follows.

- 21 and over - £11.44 (increase of £1.02) (9.8%)

- 18-20 - £8.60 (increase of £1.11) (14.8%)
 - 16-17 and apprentices - £6.40 (increase of £1.12) (21.2%)
 - The accommodation offset will £9.99 per day (increase of 89p) (9.8%)
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Paternity Leave

Changes to paternity leave are due to come into force in April 2024. These will permit fathers or partners to split their leave into two blocks of one week whereas at present only one block can be taken. It will also extend the time period in which the leave can be taken from 8 weeks to any point in the first year after the birth or adoption of their child. The change also adjusts the way in which notice is given to employers – the new process will be for the employee to give notice that they intend to take leave 15 weeks prior to the expected week of childbirth and then 4 weeks' notice of dates prior to each period of leave.

The eligibility criteria for paternity leave and pay will remain unchanged at 26 weeks' service as at 15 weeks prior to the expected week of childbirth.

Using an approved immigration service adviser

A reminder to members to ensure that anyone who is providing them with immigration advice or services must be registered with the OISC (Office of the Immigration Services Commissioner) or be a member of an approved professional body, such as a solicitor or barrister. The OISC has a portal <https://portal.oisc.gov.uk/s/adviser-register> listing registered advisers and a registered adviser will be able to provide their registration number.

It is vital that members check the credentials of anyone approaching them offering them immigration services – using a non-registered or non-approved advisor could damage the ongoing work we are doing with the Migration Advisory Committee and put at risk the inclusion of racing jobs on the Immigration Salary List (the scheme replacing the Shortage Occupation List). We would also like to remind trainers that Ronald Wali who was jailed in 2016 for breaching immigration law remains indefinitely excluded by the BHA.

We work with Migrate-UK <https://migrate-uk.com/> registered service providers who are always happy to speak with trainers about their services.

Measles outbreak information

Dr Jerry Hill has kindly shared the following information with us:

Measles Outbreak

As many of you will have read in the news there is a significant outbreak of measles in Birmingham with cases in London, Yorkshire, Humber, and South Wales. [Measles outbreak could spread warns UKHSA Chief Executive - GOV.UK \(www.gov.uk\)](#)

Most of these cases are in those aged under 35 years of age (with the 0-18 years of age being the largest) and the majority are in people who have had no MMR vaccinations.

Young children, pregnant women and anyone with reduced immunity are at increased risk along with the unvaccinated. More information can be found here. [Measles - NHS \(www.nhs.uk\)](#)

UKHSA have instituted contact tracing and if you are identified as having been exposed e.g. on transport you may receive a 'warn and inform' message. The infectious period is generally considered to be 4 days before and 4 days after the onset of the rash.

Vaccination offers very high levels of protection of up to 99% from two routine MMR vaccinations.

Please be vigilant and if you feel you or a family member may have measles contact NHS 111 for advice.

18 January 2024

Sunday evening racing

The second fixture of the six-fixture pilot of Sunday evening fixtures is scheduled to take place this Sunday, 21st January.

Trainers are reminded that a guide to the additional payments was sent out on Thursday 21 December. It is available [here](#) and includes:

- Summary of process for payments to be made from racecourses to trainers and how they should be passed on.
- Confirmation of the agreement regarding (unpaid) time off to be granted on at least one evening of the three following the Sunday evening worked, if it was off rota.
- Clarification that existing Sunday afternoon arrangements remain in place and that the above are in addition to these rather than in place of them.

Should you have any questions, please contact Dawn Bacchus at d.bacchus@racehorsetrainers.org

We would also like to confirm that we will be surveying members for feedback on the 6 fixture trial of Sunday evenings and hope to gather plenty of feedback. Paul Johnson will also

be available at Chelmsford on Sunday evening should you be there and wish to discuss any specific issues. The survey will be circulated after the fourth Sunday evening fixture.

05.01.2024

Sunday evening racing

The first fixture of the six-fixture pilot of Sunday evening fixtures is scheduled to take place this Sunday, 7th January.

Trainers are reminded that a guide to the additional payments was sent out on Thursday 21 December. It is available [here](#) and includes:

- Summary of process for payments to be made from racecourses to trainers and how they should be passed on.
- Confirmation of the agreement regarding (unpaid) time off to be granted on at least one evening of the three following the Sunday evening worked, if it was off rota.
- Clarification that existing Sunday afternoon arrangements remain in place and that the above are in addition to these rather than in place of them.

Should you have any questions, please contact Dawn Bacchus at

d.bacchus@racehorsetrainers.org

We would also like to confirm that we will be surveying members for feedback on the 6 fixture trial of Sunday evenings and hope to gather plenty of feedback. Paul Johnson will also be available at Wolverhampton on Sunday evening should you be there and wish to discuss any specific issues.

Employment Law Changes on the horizon for 2024

There are a number of employment law changes due to come in during 2024, in some instances the draft regulations are before Parliament for approval and in all cases further information will be provided when appropriate and the NTF manual updated. An overview of these is:

1. Record keeping

From 1st January 2024, the requirement to keep records of rest breaks and working hours for compliance with the Working Time Regulations is relaxed clarifying that businesses do not have to keep a **record** of all daily working hours of all their workers provided the employer is able to demonstrate compliance otherwise.

Employers will still need to create, maintain and keep adequate records in a way they think reasonably fit and businesses must keep records of hours worked to show compliance with the National Minimum Wage legislation, so we anticipate that in practice most racing yards will continue to operate their established record keeping processes.

2. Equality Act amendments

In force on 1st January 2024, are amendments to the Equality Act 2010 safeguarding various rights which would otherwise disappear from UK law under post Brexit changes. These amendments include confirmation that breastfeeding falls under the protected characteristic of sex and protection for women against unfavourable treatment after they return from maternity leave in connection with a pregnancy or pregnancy related illness occurring before they return. In practice, these changes are ensuring that existing protections are not lost.

3. Flexible Working

At present an employee is required to have 26 weeks service before they have the right to apply for flexible working – this will change to a day one right for applications made on or after 6th April 2024. There are also other changes which may or may not come in at the same time including a change to allow two requests in any 12-month period (currently only one is permitted) and not allowing an employer to refuse a request without consultation.

4. Carer's Leave

Due to come into force on 6th April 2024 is a new right giving carer's up to one week of unpaid carer's leave in any 12-month period. This will be a day one right, so an employee will not require any length of service to request the leave, and it will apply to employees who have a dependant with a long-term care need where the employee wants to be absent from work to provide or arrange care for that dependant. The employee will have to give a certain period of notice and the employer will have a right to postpone the leave.

5. Redundancy Protection for pregnant employees and those returning from family leave

In a redundancy situation, employees who are on maternity, adoption or shared parental leave have priority over other at risk employees to be offered any other suitable alternative vacancies. Draft regulations have been published which if approved by Parliament would extend this priority to pregnant employees and eligible parents returning from such family leave.

6. Predictable Working Patterns

Expected to come into force in September 2024, this will mainly affect atypical workers so zero hours or casual workers who are not guaranteed a particular amount of work by their employer. It will enable workers to be able to request a predictable working pattern. An employer will be able to reject the request on grounds similar to those upon which a flexible working request can be rejected.

7. Sexual Harassment

Expected to come into force in late October 2024 is a new duty upon employers to take reasonable steps to prevent sexual harassment of employees. At present an employer has a potential defence to a harassment claim if they can show they have taken all reasonable steps to prevent it. The new legislation will make this a pro-active duty upon employers to prevent sexual harassment in the workplace.

8. Migrant workers – Latest update

Migrate UK have kindly provided up with details of UKVI's update on the salary threshold changes for those already in the Skilled Worker route looking to change employers, extend their stay or settle. Further information and guideline will be produced as it is known.

Salary thresholds – these changes will be introduced via Immigration Rules with implementation in April.

Those already in the Skilled Worker route before the Immigration Rules changes should be exempt from the new median salary levels when they change sponsor, extend, or settle. We would, however, expect their pay to progress at the same rate as resident workers; therefore, they would be subject to the updated 25th percentiles using the latest pay data when they next make an application to change employment, extend their stay, or settle (£29,000 according to their calculations) This is in line with normal practice.
