

HOME OFFICE REVEALS IMMIGRATION ARRANGEMENTS FOR EU NATIONALS POST BREXIT



The draft withdrawal agreement, setting out provisions for the legal status of European nationals post Brexit, outlines how those with five years or less residency will qualify for settled status (indefinite leave to remain). Those with less than five years will be able to apply for pre-settled status, which leads to settled status once the qualification period is up.

The statuses include the right to live in the UK, work, study and access public funds and services.

“To obtain settled status EU citizens will generally need simply to have lived continuously in the UK for five years. This means for example that stay-at-home parents, retired people and students can all be eligible. Those with less than five years’ continuous residence will be granted pre-settled status and be able to apply for settled status once they reach the five-year point,” said Sajid Javid, Home Secretary, who confirmed that the application process will open toward the end of the year. Individuals applying under the scheme will need to prove their identity, residence in the UK for the required period of time and that they have no serious criminal convictions.

The Home Office intend to use HMRC and DWP records to confirm residence and employment in the UK. People will not need to provide substantial evidence of residence. Where the automated checks of HMRC and DWP data do not confirm that the applicant has been continuously resident in the UK, they will be able to upload alternative evidence of having completed the relevant five year qualifying period.

The Home Office intends to provide an online application process. The likely fee will be £65 for an adult application and £32.50 for a child under 16. There will be no fee for those who already have a document certifying permanent residence or those applying from next April for settled status who already hold pre-settled status. Evidence of settled or pre-settled status will be given to EU nationals in digital form. No physical document will be issued to them. Applications will be voluntary until June 2021, after this date applications for pre-settled or settled status (indefinite leave to remain) will become mandatory.

If you are dismissed or subject to a detriment as a result of this process by your employer please contact UnionLine for employment advice. You have just three months less one day from the date of the dismissal or detriment, in order to bring a claim in the Employment Tribunals so please don’t delay seeking advice.

CWU TO INCREASE FOCUS ON MENTAL HEALTH

The CWU is increasing its focus and approach to dealing with mental health issues at work. There is a growing prevalence of serious mental health issues affecting workers in today’s more stressful and demanding world of work.

A comprehensive strategy is now required to ensure the union can provide the best possible support for members and reps experiencing problems. The union’s annual conference agreed a new approach that will include building on the relationships the union has already forged with mental health charities and organisations. The union will also develop a ‘joined-up’ training programme for reps to help them identify mental health problems affecting members and provide the best possible support. The union will also provide “support for reps dealing with members with mental health issues and the increasing stress of the job.”

Tony Rupa Head of CWU Legal Services says; *“Research shows us a majority of working people experience what would best be described as a mental health issue at some stage. Research findings show that just 13% of the UK population has a high level of good mental health – that’s too low and it’s time we recognised and addressed this. We must not fail to recognise that many people are working in fast changing, often hostile environments where the risk of psychological injury is high. It is fundamental we tackle discrimination in the workplace, ensuring the best possible support services are available for workers to access quickly, effectively and without prejudice”.*

To register a new claim or for any legal advice call UnionLine on: | 0300 333 0303



ONLINE GUIDES WILL HELP RENTERS AND LEASEHOLDERS TO KNOW THEIR RIGHTS

The guides form a key part in continuing crackdown on poor practice by a minority of landlords and agents in the private rented and leasehold sectors. Evidence shows that Citizens Advice helped 65,000 private renters with more than 100,000 problems about their tenancy in 2017.

As part of government's commitment to ensure everyone has a decent, safe place to live, the 'how to' guides include checklists for new and existing tenants, landlords and letting agents to ensure they are complying with their legal responsibilities. The guides have been produced in partnership with landlord, tenant and letting and managing agent groups, professional bodies and local housing authorities and aim to drive up living standards in the sector.

The 'how to' series comprises:

How to Let: This new guide will help private landlords learn more about their key legal responsibilities and best practice when letting a property, including how to protect tenancy deposits, carry out gas safety checks and install smoke and carbon dioxide alarms.

How to Lease: leaseholders can learn about their unique set of rights and responsibilities. Managing agents or landlords could be responsible for running a leaseholder's block or estate – but the leaseholder does have a say in how they do it.

How to rent a safe home: This will help current and prospective tenants identify potential unsafe conditions in rented properties. It gives tenants an overview of the most common hazards to look out for in rented properties, including gas and electrical safety, damp and mould and trips and falls hazards, and how they should report dangerous conditions.

How to rent: This updated guide provides a step-by-step process to renting privately. Tenants can learn how to challenge poor practice and understand private landlords' legal obligations. It is a legal requirement for all landlords to provide their tenants with this document.

The guides will be reviewed in light of any new legislation to ensure tenants, landlords and leaseholders are supplied with up-to-date information.

Landlords, leaseholders and tenants will be able to look up vital information on their rights and responsibilities via new online rental guides published by the Ministry of Housing, Communities and Local Government.

GMB VICTORY FOR HERMES WORKERS' RIGHTS

GMB has won another landmark legal victory this time against Hermes after an employment tribunal ruled their couriers are entitled to basic workers' rights.

The win is the latest legal triumph against bogus self-employment following ground-breaking successes against Uber and Addison Lee.

A judgment at Leeds Employment Tribunal found that a group of Hermes couriers were workers and were entitled to receive the National Minimum Wage and holiday pay.

In an important ruling, which will potentially affect thousands of Hermes couriers, the tribunal ruled a group of Hermes couriers were not independent contractors, as Hermes argued, but are in fact workers who are entitled to essential workers' rights.

These include the right to be paid the National Minimum Wage, receive paid holiday and reclaim unlawful deductions from their wages.

The ruling affects the 65 couriers that have already brought claims, but is also likely to impact upon the wider network of 14,500 Hermes couriers who are engaged under the same contract as the couriers.

There will now be a further hearing in the Employment Tribunal to calculate the holiday pay, national minimum wage and any unlawful deductions due back that the couriers should receive.

GMB, has also announced legal action against three Amazon delivery companies on the charge of bogus self-employment.

Tim Roache, GMB General Secretary, said:

"This is yet another ruling that shows the gig economy for what it is - old fashioned exploitation under a shiny new facade.

"Bosses can't just pick and choose which laws to obey. Workers' right were hard won, GMB isn't about to sit back and let them be eroded or removed by the latest loophole employers have come up with to make a few extra quid.

"Not only will this judgement directly affect more than 14,000 Hermes couriers across the country, it's another nail in the coffin of the exploitative bogus self-employment model which is increasingly rife across the UK."



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