

## LONDON ASSOCIATION OF FUNERAL DIRECTORS AGM 18<sup>th</sup> May 2022

### **Legislation / Health & Safety Updates**

#### **Post-pandemic Data Protection considerations**

ICO has issued guidance re: additional personal info collected for Covid purposes attached is article from law firm

ICO link is: <https://ico.org.uk/global/data-protection-and-coronavirus-19/>

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#### **Revised workplace guidance on COVID**

With the relaxation of government imposed measures under its plan for Living with COVID, the onus is very much on employers to assess and manage through their own internal policies the impact on their workforces of COVID and other respiratory infections such as flu.

The UK Health Security Agency has published <https://www.gov.uk/guidance/reducing-the-spread-of-respiratory-infections-including-covid-19-in-the-workplace>

this replaced previous government guidance on 'Working safely during coronavirus (COVID-19)'. Employers should take this new guidance into account when considering their statutory duty to take all reasonably practicable measures to prevent employees and others from harm. The guidance should also be considered in the context of an employer's common law duty of care to its workforce.

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#### **Right to work checks**

From 6 April 2022, employers are required to use the Home Office's digital right to work check service for employees who hold a biometric residence card, a biometric residence permit or a frontier worker permit. For other employees, the end date for temporary adjustments to right to work checks has been pushed back from 5 April to 30 September 2022.

A revised [code of practice for employers on avoiding unlawful discrimination while preventing illegal working](https://www.gov.uk/government/consultations/amendments-to-the-home-office-code-of-practice-for-employers/code-of-practice-for-employers-avoiding-unlawful-discrimination-while-preventing-illegal-working)

<https://www.gov.uk/government/consultations/amendments-to-the-home-office-code-of-practice-for-employers/code-of-practice-for-employers-avoiding-unlawful-discrimination-while-preventing-illegal-working>

also applies in relation to employment starting on or after 6 April 2022, and where a repeat check is required to be carried out on or after that date.

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#### **Government plans to tackle "fire and rehire" practices**

Recently the government announced that it plans to develop a statutory code on 'fire and rehire' practices although, again, timeframes are unclear.

The government has said that it intends that a court or employment tribunal will take the code into account when considering relevant cases, including unfair dismissal.

The courts will have the power to apply an uplift of up to 25% of an employee's compensation if an employer unreasonably fails to comply with the new code where it applies.

<https://www.gov.uk/government/news/new-statutory-code-to-prevent-unscrupulous-employers-using-fire-and-rehire-tactics>

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#### **Employment legislation news**

The cap on a week's pay for redundancy purposes rose from £544 to £571 on 6th April, so the maximum amount that anyone can receive in statutory redundancy pay is now £17,130.

**Pacemaker disposal**

Just a reminder that if you haven't made provision for the disposal of Pacemakers you can approach your local Crematorium to see if they will take them under the metal recycling scheme which are signed by clients during the arrangement.

If not, Natasha Bradshaw of Mortlake Crematorium assures me she will gratefully receive them: they are collected by a non-profit making company and proceeds donated to charity.

Please don't hesitate to contact me with any questions or any H&S or Legislation matters

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