November employment law round up

Mark Callaghan

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Welcome to month four of the (now regular) employment law round up, an excuse to look at recent employment HR and labour issues from a not-so-legal angle.

This month I've been reading a lot about 'overemployment' – that is, being simultaneously employed, full-time, by two separate employers who know nothing of each other's existence – a practice which is seemingly on the rise. Entire websites exist to provide employees with tips on how to work in a way that avoids both unnecessary attention and, crucially, detection. It seems that the pandemic has created the perfect conditions for overemployment to take off: compared to two years ago, employees feel less connected to their colleagues, and more jaded at work, and of course remote roles are now commonplace where they were once very much the exception. This has provided an opportunity for those who are brave (or, depending on your view, unscrupulous) enough to try it.

The idea of approaching work with a willingness to do the bare minimum is certainly an interesting and recurring theme in recent

months. Not everyone does so in order to squeeze in a whole second job. Last month I mentioned time millionaires, who shun ambition in pursuit of as much free time as possible. This month, I noted an article arguing that being average is "actually rather a good thing".

If overemployment is a tightrope walked mostly by Generation X, the Great Resignation (which is, to my mind, another symptom of Covid-induced work apathy) is apparently one walked to a large extent by Millennials and Generation Z. I usually don't like the oversimplification of traits by reference to generation, but I have to admit the most interesting article I read all month was this on the dynamic between managers in their late thirties on the one hand, and their twenty-something direct reports on the other. A fascinating look at the changing priorities of employees over time.

Staying on the Great Resignation, apparently one in four employees are planning a job change in the next few months. Maybe every single one of them is planning to become a 'mattress tester', and I can't blame them. The job advert seeks a 'Netflix and Nap Fanatic' to spend a year checking the quality of their mattress. Surely a dream job (ahem) and, come to think of it, one that is perfect for the wannabe overemployed. Fantastically, it pays £24,000 – far in excess of the recently announced increase in national minimum wage to £9.50, which will come into effect next April. I have spent an unhealthy amount of time this month wondering how the employee will take their allotted breaks under the Working Time Directive.

Whilst we're on fun stuff, a colleague recently circulated an interesting example of a 'one page' visual employment contract, used in Holland by a chocolate company. I'm all for short contracts and accessibility, but that is taking the approach to an extreme. Still, it's an admirable aim to make contracts accessible and understandable, and reminded me of this visual contract implemented by an Australian company in 2018.

In other news, Portugal has passed a host of new laws aimed at improving work-life balance this month. The changes include a ban on bosses emailing or texting employees out of working hours and a right for parents to work at home without approval until the child turns eight. I suspect that there may be more nuance to this that the UK reporting implies, so of course feel free to get in touch with Littler's newest office in Lisbon for any follow up.

Closer to the home, I've also noted with interest more negative coverage on fire & rehire practices, new mooted changes to data protection laws in the UK, an update on Tribunal delays (short summary: still long, but improving) and a frankly awful account of sexist behaviour and sexual misconduct in the workplace. Sometimes the mind boggles.

A final pair of contrasting articles, to reward those of you that are still with me. Firstly, an interesting article on the case for introducing social class as the tenth protected characteristic. Secondly, a slightly bewildering account of an Employment Tribunal's confirmation that burping in an employee's face is (I would say, unsurprisingly) "unreasonable treatment".

Until next month...