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COVID-19 Survey Results – What our Clients are Doing to Support Working Parents and Carers

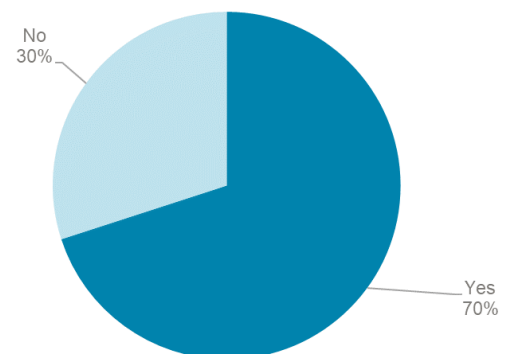
A huge thank you to all those who participated in our survey earlier this month on how your workplace has responded to the unique challenges presented by the pandemic for working parents and carers. As promised, we report back to you with some key themes and market insights on what our clients are doing to support working parents and carers. Although schools are reopening and restrictions are lifting, the key takeaway is that it looks like the future of work will remain flexible for the majority of our clients.

We also briefly highlight some employment and data protection law developments over the past month, including the extension of the furlough scheme, increases in unfair dismissal compensation, and the extension of the gender pay gap reporting deadline.

NECESSITY IS THE MOTHER OF INGENUITY

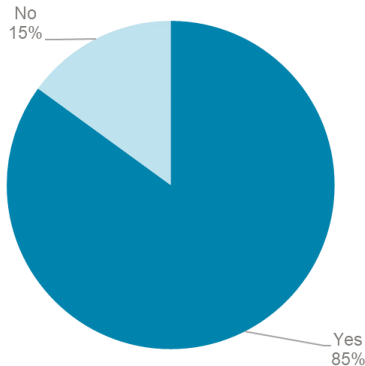
70% of those clients who took our survey have updated their policies to provide support to employees – and not just for the duration of the lockdown. There is a clear emphasis on an overall flexible approach to balancing work and home life in the long-term.

Have you/your employer changed your policies to support families at home/careers/home-schooling?





Are you/your employer offering flexible working hours?



One client commented that “the change to home-working necessitated by COVID-19, lockdown and regulations since has forced an awareness of how effective remote working can be, at the same time as a focus on wellbeing and the impact for some of their personal circumstances e.g. childcare and home schooling has prompted greater flexibility in working arrangements - e.g. shift to part-time, adjusted working hours to allow time in the day for home-schooling support, thoughtful use of furlough etc.” In addition to new policies on remote and flexible working arrangements, there has been a focus on policies to support mental health and wellbeing. There have been some ingenious ideas, such as offering employees a mental health app. Another client has facilitated access to a kids’ club programme, helping parents to occupy their children, as well as providing discounts to online tutoring.

Not all policies have been formalised or finalised, with future policies still being shaped.

WORKING 9 TO 5 NO LONGER THE WAY TO MAKE A LIVING: EMPLOYERS EMBRACE FLEXIBLE HOURS

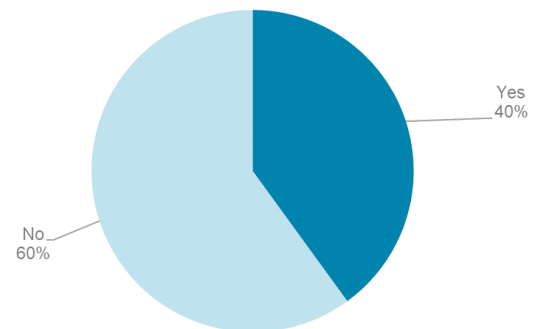
The vast majority of respondents have offered employees flexibility in hours, with less of a focus on 9 to 5 and an increased focus on flexi-time. Many clients are offering a very tailored approach to individual employees, such as individual working schedules to fit around domestic concerns and responsibilities. A number of clients have confirmed that post-COVID, they will continue to have a hybrid model of home-working and office-working for collaboration.

COVID LEAVE - A FOCUS ON WELLBEING

40% of survey respondents had offered or been offered up to 10 days’ paid “COVID leave” for a range of COVID-related reasons such as home-schooling and caring for children or other family members (including those who are unwell or self-isolating). Others have done so unofficially by allowing time off in the day as needed and without deduction from pay or annual leave balances.

Some clients have offered wellbeing leave during quiet patches or days with low email traffic, and there has clearly been a focus on mental health and wellbeing throughout the lockdown. One client introduced “headspace time” with employees given a half day off each week to go for a walk in the fresh air.

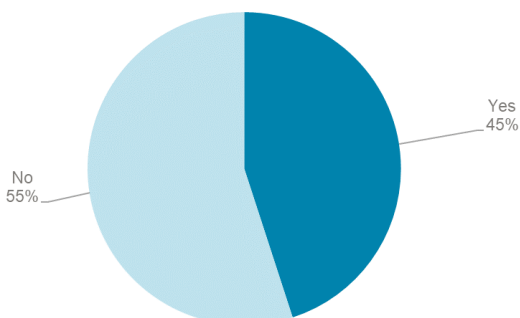
Have you/your employer granted any paid lockdown leave?



FURLOUGH USED SPARINGLY AND SURGICALLY

Furlough has been used by our clients with great thought and used almost surgically within the business. There has been no mass usage and nearly all of those who accessed the furlough scheme did so on a flexible part-time basis. Many survey takers had only utilised furlough in the first lockdown last year, rather than as a way of supporting working parents through the recent school closure.

Have you/your employer used furlough leave?



One client responded that “there has been a review of roles and whether furlough is appropriate during each period of lockdown or



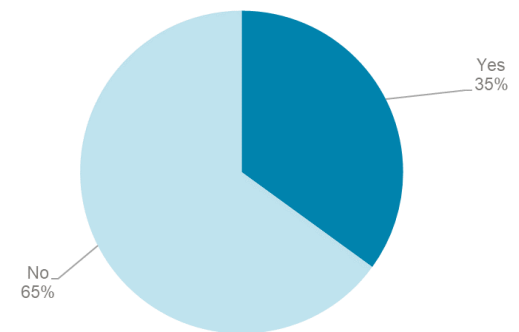
closure; taking into account personal circumstances as well as business circumstances and receiving and responding to employee requests. Where an individual's role has remained busy, able to be performed, a request might be made to use furlough but is considered on a case by case basis."

Our experience is that clients who have used the furlough scheme have made up for the 20% shortfall in pay to avoid dealing with consent issues. HMRC will continue to review appropriate usage of the scheme and publish furlough claim details.

WHO'LL THINK OF THE CHILDREN? EMPLOYERS EMBRACE INNOVATIVE (AND STATUTORY) CHILD CARE SOLUTIONS FOR STAFF

Clients have sought to raise awareness on the various forms of statutory leave available to assist employees. Where statutory leave has been relied upon for home-schooling and care, it has tended to be parental leave and emergency time off for dependants. Most clients have been flexible in allowing employees to carry over and use annual leave from 2020.

Are you/your employer relying on other forms of statutory leave?



IN OTHER NEWS THIS MONTH...

- Extension of the furlough scheme:** In the spring budget 2021 revealed earlier this month, Rishi Sunak announced the extension of the furlough scheme for all sectors until 30 September 2021. Similar to last summer, the level of government support will taper down in the final stages of the scheme. In July 2021, employers will be required to contribute 10%, with the government contribution decreasing to 70%. In August and September 2021, employers will contribute 20%, with the government putting in 60%. Flexible furlough will continue as an option to allow employers to bring employees back to the workplace flexibly and progressively as the economy reopens.
- Extension of the gender pay gap reporting deadline:** The Equality and Human Rights Commission (EHRC) has suspended the enforcement of the 2020-2021 gender pay gap reporting for all employers until 5 October 2021. From 2017, if you are an employer who has a headcount of 250 or more on your 'snapshot date' (31 March for public-sector organisations or 5 April for the private sector and charities) you must comply with regulations on gender pay gap reporting. Last year, the obligation to report gender pay gap statistics relating to 2019-2020 was suspended on 24 March 2020, the day after the first UK lockdown began. The submission deadline to provide a snapshot from 2020 has now been extended by six months. Although EHRC is still encouraging employers to report ahead of the usual deadlines, no enforcement action will be taken, provided employers have made their reports by 5 October 2021.
- Increase in unfair dismissal compensation:** The maximum cap on unfair dismissal compensatory awards has been increased from £88,519 to £89,493. A "week's pay" for the purposes of calculating both the basic award in unfair dismissal claims and statutory redundancy payments has also increased from £538 to £544. These new figures will apply where an employee is terminated on or after 6 April 2021.
- Brexit and managing changes to data protection for employees:** One challenging aspect of the Brexit negotiations was how the UK would be treated in terms of data protection legislation and the impact that this would have on employee data protection. Employers and businesses alike have had less than three years since the GDPR came into effect to get up to speed with its significant compliance obligations, before the UK's terms of departure from the EU might have significantly changed the privacy framework in the UK. As it stands, the UK has implemented the GDPR into its domestic legislation, and it sits alongside the UK's Data Protection Act 2018, which supplements the UK GDPR. All of this means that the UK's data protection framework has not fundamentally changed in principle as a result of



Brexit. That being said, the rules around making lawful transfers of personal data from the EU to the UK remain in flux, albeit earlier this month the European Commission published its draft adequacy finding for the UK. If the European Data Protection Board and the (now) 27 member states of the EU agree with the draft decision, the UK will be added to a short list of adequate jurisdictions to which the EU allows transfers of personal data to take place. All of this is great news for UK businesses in terms of managing privacy compliance risks and maintaining the status quo, including with respect to managing employee data. However, as a result of Brexit, the consequent changes in legislation and the as yet unfinished process in terms of the UK's adequacy status, employers should review employee privacy notices and policies to check they are up to date and consistent with the changes caused as a result of Brexit as well as to align them with any EU related companies in the same group.

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