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Solutions

February 2025 Newsletter





Understanding Welfare Meetings and Key Employment Law Updates for 2025

The Importance of Welfare Meetings

Welfare meetings are an essential tool for employers to maintain communication and support with employees who are absent from work due to illness, injury, or other personal circumstances. These meetings, as highlighted by [ACAS](#) aim to:

- Foster open communication to understand the employee's circumstances.
- Provide updates on workplace changes and maintain the employee's connection to their role.
- Offer support to facilitate a smooth return to work where possible.

Best Practice for Conducting Welfare Meetings

- 1 Preparation:** Employers should review the employee's circumstances and any relevant medical or occupational health reports beforehand.
- 2 Empathy and Support:** Focus on understanding the employee's challenges and explore ways to support them.
- 3 Documentation:** Record the meeting's discussions and agreed actions to ensure clarity and accountability.
- 4 Follow-Up:** Maintain regular communication and review progress as needed.

Welfare Provisions and Health & Safety Obligations

Employers in the UK must adhere to strict health and safety (H&S) regulations, particularly if they have five or more employees in line with the Health and Safety at Work etc act 1974. Key provisions include:

- **Workplace Facilities:** Adequate welfare facilities, such as clean toilets, drinking water, and rest areas, must be provided (HSE guidance).
- **Stress and Mental Health:** Employers must assess and mitigate workplace stress and provide resources to support employees' mental health.

If you need support with conducting welfare meetings for individuals with a high level of intermittent absence or from periods of Long-Term Sickness MHA HR Solutions can help guide you through this process with appropriate documentation and support in meetings where required.



Employment Law Developments for 2025

The UK employment law landscape is undergoing significant changes in early 2025 as outlined in our [November 2024](#) newsletter, including:

Key Changes

- **Employment Rights Bill Progress (21 January 2025):** This bill introduces new measures to enhance workers' rights, addressing gaps not previously covered.
- **Tribunal Timeframe Extension:** The time limit for bringing claims to employment tribunals has been proposed to increase from three to six months.
- **Protective Awards:** Employers failing to comply with the statutory code of practice on dismissal and re-engagement may face compensation uplifts.

April 2025 Updates

- Anticipated changes to statutory pay rates and thresholds.
- Further developments in flexible working rights.

Hot Topics for Employers

- 1 **Employment Rights Bill:** Understanding and implementing changes to workers' rights.
- 2 **Health & Safety Compliance:** Strengthening workplace welfare provisions to meet legal requirements and avoid penalties.
- 3 **Right to Work Checks:** Updating processes to comply with legal standards and mitigate risks of fines.
- 4 **Mental Health Initiatives:** Integrating robust mental health support into workplace policies.

Employers must stay informed about welfare meeting practices, health and safety obligations, and evolving employment laws to foster a supportive workplace and ensure compliance. With significant legislative changes underway, proactive measures will help organisations navigate challenges and uphold employee well-being.

Right to Work checks in the UK: Overview and Implications.

Right to work checks are a legal requirement for all UK employers to ensure that their employees have the legal right to work in the UK. These checks are part of an employer's responsibilities under the Immigration, Asylum, and Nationality Act 2006. Conducting these checks properly protects employers from employing illegal workers and avoids substantial penalties.

What Are Right to Work Checks?

Right to work checks are a legal requirement for all UK employers to ensure that their employees have the legal right to work in the UK. These checks are part of an employer's responsibilities under the Immigration, Asylum, and Nationality Act 2006. Conducting these checks properly and prior to the first day of employment protects employers from employing illegal workers and avoids substantial penalties.

How to Conduct Right to Work Checks

Employers must follow a structured process when verifying an employee's right to work prior to their first date of employment. This includes:

Obtaining the Employee's Documents: Employers must request and review acceptable identification documents (e.g., passports, biometric residence permits)

Checking Validity: Verify that the documents are genuine, unaltered, and relate to the individual.

- Ensure that any work restrictions are observed.
- Confirm that the photo and date of birth match the individual.

Copy and Retain: Keep clear copies of the documents and record the date the check was completed including that the document is a copy of an original document.

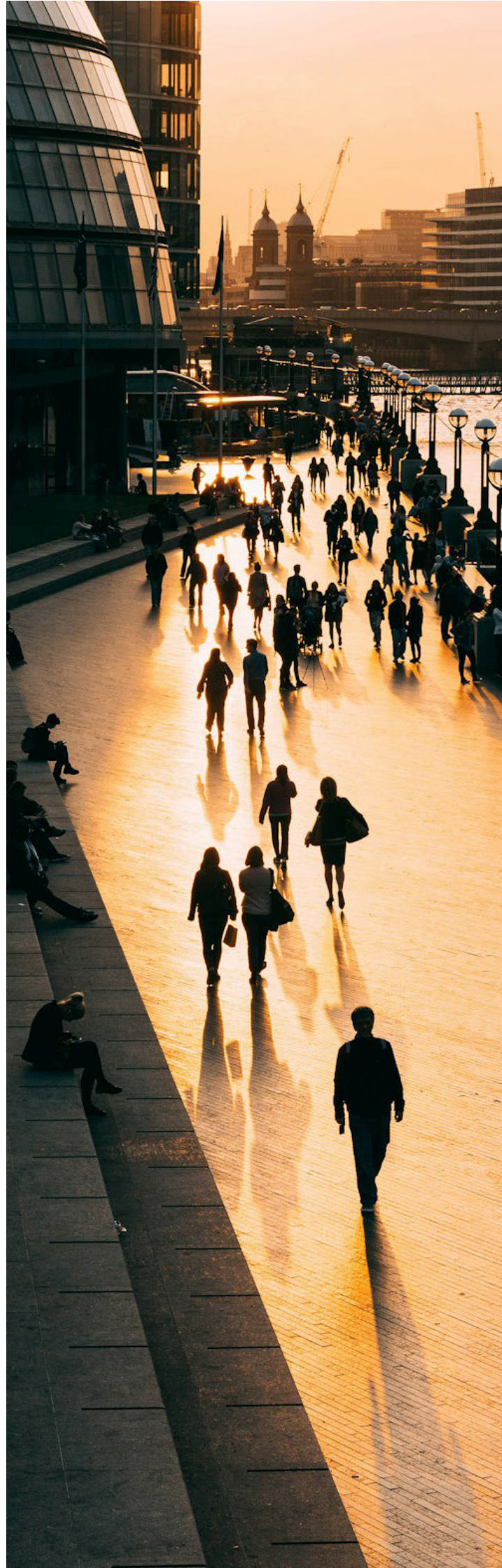
Use the Home Office's Online Right to Work Checking Service: This is mandatory for workers holding an eVisa, permit, or a frontier worker permit.

Types of Checks

Manual Checks: For documents like a UK or Irish passport.

Online Checks: Required for individuals with a digital immigration status.

Employer Checking Service (ECS): Used in situations where an individual's status cannot be confirmed through manual or online checks (e.g., pending immigration applications).



Implications of Failing to Conduct Proper Checks

Failing to comply with right to work requirements can lead to severe consequences:

Civil Penalties: - As of 13 February 2024, Employers can be fined up to £45,000 per illegal worker if they fail to conduct appropriate checks. Repeat offenders can be fined up to £60,000 per worker.

This penalty applies if the employer is found to have employed someone who does not have the right to work, even unknowingly.

A staff member who works illegally also commits a criminal offence. This can lead to all wages being confiscated as proceeds of crime, a fine and up to 6 months imprisonment.

Criminal Liability: - Employers who knowingly employ someone without the right to work face unlimited fines and up to five years' imprisonment.

Reputational Damage: - Publicised violations can harm an employer's reputation, affecting customer trust and future recruitment.

Suspension of Sponsor Licence: - For businesses sponsoring overseas workers, failing to comply with right to work obligations can lead to suspension or revocation of their sponsor licence, disrupting operations

Loss of Workforce: - Employees found to have no right to work must be terminated immediately, which can disrupt staffing and operations.

Avoiding Mistakes To reduce the risk of non-compliance:

Train Teams: Ensure HR personnel are fully aware of the latest legal requirements and procedures. Where there is no HR team in place ensure that individuals conducting right to work checks understand how the checks should be completed and the consequences of getting things wrong.

Implement Robust Processes: Regularly review and update right to work policies and practices.

Conduct Audits: Periodically audit right to work records to identify and address any gaps.

Seek Legal Advice: Consult immigration law specialists when dealing with complex cases or ambiguous documentation. By adhering to these requirements, employers can avoid costly penalties, maintain compliance with UK immigration law, and foster a legally secure workplace.

At MHA HR Solutions we can assist You with ensuring that you have the correct Right to Work check processes in place and are in the best position to obtain a statutory excuse against liability for illegal working. As Level 1 Immigration advisors, regulated by the IAA, we are able to advise you in more complex cases.



Please see below some examples of the work that we have completed recently.

 **London**

Support with further information required by the Home Office when applying for a Certificate of Sponsorship (CoS).

 **Birmingham**

Drafting redundancy paperwork and Grievance invite and outcome letters.

 **London**

Drafting of a Settlement Agreement.

 **London**

Drafting of TUPE letters and referral to BTI France for support with a French employment contract.

 **London**

Review of a Danish employment contract updated in line with UK employment legislation for a UK employee.

 **Northampton**

Drafting of a Settlement Agreement and liaising with the employee's solicitor regarding signing.



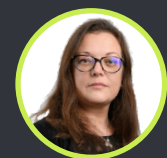
How we can help?

If you require HR support, please contact us at HRsolutions@mha.co.uk to discuss how we could assist you.

We can provide support on an hourly, fixed-fee or retainer basis so there are a number of options available according to your needs; as you can see from the above examples, we can assist with a large project or a one-off piece of advice.



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Now, for tomorrow

