



## CCTV in the workplace

**There are estimated to be 5.2m CCTV cameras in the UK, one for every 13 people and 96% are operated by businesses and individuals.**

CCTV in the workplace can help to deter and reduce crime and provide a more secure environment for employees, but it is also important that employers take into account both an individual's right to privacy and where CCTV can and can't be used in the workplace.

Guidance on the use of CCTV in the workplace from The Information Commissioners Office (ICO), says it should be used when necessary to meet a pressing need, which could include issues of:

- Staff security
- Prevention of theft and or vandalism
- Monitoring employee performance and workplace efficiency
- Monitoring compliance with health and safety policies and procedures

For monitoring use to be proportionate, prior to its installation, employers should carry out a privacy impact assessment to consider the effect that the monitoring would have, v's the individuals' right to privacy. The business should also consider whether there might be other options to meet the same need, which are less intrusive than CCTV.

Both employees and visitors to the workplace should be informed that recording is taking place, usually by displaying clear signage, and CCTV should be covered in your employee privacy notice. This notice should also include details about why the recording is taking place and how long it will be kept. Footage should be deleted after this period.

Footage, and the recording equipment should also be kept secure and access to it limited to authorised employees. Where CCTV uses wireless networks, the ICO recommends signals are encrypted to prevent them from being hacked.

Employees and visitors to the workplace have the right to make a data subject access request to a business and be given access to CCTV footage on which they appear. The business

has to respond to this request within one month and must also document all requests for access, when it was granted or if refused, the reason for this.

Before any CCTV footage is released, the business also needs to consider privacy considerations and whether other individuals in the footage need to be blurred to obscure their identity.

Covert recording can rarely be justified by a business, unless there is a reasonable suspicion of criminal activity or malpractice taking place. Before covert recording takes place, a privacy impact assessment should be carried out to ensure it is both necessary and proportionate. Recording can only take place for as long as is necessary and shouldn't take place in areas where a genuine and reasonable expectation of privacy exists, such as toilets or changing areas.

Where covert CCTV has been set up to monitor for criminal activity, it cannot then be used for other purposes, for example to monitor employee performance.

If you would like to review or use CCTV in your workplace, get in touch to make sure you have all of the correct procedures in place.



# Diversity in the workplace

**We live in an increasingly diverse society, and many businesses recognise the positive effects that diversity has. But diversity in the workplace can also be tricky for employers to navigate.**

A recent ruling by the European Court of Justice (ECJ) involving banning religious and other symbols of belief in the workplace is being seen by many as a blow to workplace

inclusion and could be seen to open a 'backdoor' to prejudice.

The ECJ recently found that a policy of neutrality banning employees from wearing any visible political, religious, or philosophical symbols in the workplace may be justified where:

- There is a genuine need for such a policy, considering the rights and wishes of customers and service users.
- The policy is both appropriate and necessary to achieve aims.

- The policy is applied consistently to all visible signs of political, philosophical, or religious beliefs.

Whilst this is not legally binding in the UK, the UK courts and tribunals may have to regard it when hearing discrimination claims in the future.

All businesses should have a diversity and inclusion policy in place, which includes a statement outlining its commitment to diversity and which also makes it clear that discrimination of any type will not be tolerated. This should also include the procedures that will be followed where there is alleged discrimination taking place, including what action will be taken against any employees who are found to have breached them.

Businesses may also want to consider anti-discrimination and unconscious bias training to help individuals and those who are involved with management and recruitment to understand and reduce the impact bias has on behaviour. Better workplace training can also help businesses to prevent and defend future employment claims.

Many larger businesses are creating support networks which allow employees with a common identity to come together and support each other's professional development. These networks can also help employers gain a better understanding of some of the issues particular groups might face.

If you are looking for ways to ensure you have a more diverse and inclusive workplace, get in touch.

## Miscarriage support in the workplace should be increased

**Workplace support for employees who have been impacted by a miscarriage should be increased according to The Miscarriage Association, and it would also like to see employers themselves taking further steps to offer support, where it says the current legislation doesn't go far enough.**

The current legislation does not provide any statutory entitlement to paid leave for the parents of a baby which is lost before the 24th week of pregnancy. After 24 weeks, the loss of a baby is legally recognised as a stillbirth and mothers are entitled to full maternity leave. In addition to this, both parents are allowed two weeks of Parental Bereavement Leave.

Businesses are being encouraged to take the Pregnancy Loss Pledge, to ensure all of their employees are supported. This includes creating a supportive work environment, understanding and implementing the rules around pregnancy-related leave and having a policy or guidance to support the parents and to help them get back into work.

There is already protection under pregnancy-related employment legislation where an employee is absent for a miscarriage, so it cannot be used against them and must be recorded separately to general sickness.

To prevent employees feeling rushed into returning to work too quickly, a supportive and open environment in the workplace can help. This is clearly an upsetting and stressful time for many parents and employers should take the



time to consider if the policies they have in place go far enough. More information and resources can be found at <https://www.miscarriageassociation.org.uk/information/miscarriage-and-the-workplace/the-pregnancy-loss-pledge/>





# Government confirms tips and service charge legislation changes on horizon

The Government has confirmed restaurant owners will be banned from taking customer tips and service charge payments from around two million waiting staff and hospitality workers, after it published a long awaited response to a consultation on tipping, gratuities, cover and service charges, which closed in June 2016.

The Unite union estimates that the five year delay since the consultation has cost restaurant workers around £10k each in lost tips.

The Government has confirmed it will introduce legislation which prevents employers from making any deductions from tips or service charges received by staff and made via card payments, other than those required by law (National Insurance and income tax). Cash tips are already protected.

Some of the other measures which will be put in place include:

- Employers will be required to distribute tips and service charge payments in a way that is fair and transparent, have a written policy for tips and record how they have been dealt with.

- Employers must distribute tips no later than the end of the month following the month the tip was paid.
- Make provisions to allow workers to make requests for information relating to the employer's tipping record, to which they should also reply within four weeks of the request being made.
- Breaches of these obligations will be enforced in employment tribunals.

The Government carried out research which showed that a number of businesses were adding a discretionary service charge to customer's bills which was then kept in full or part and not passed onto staff. There has also been a greater switch to using cards for payment during the pandemic, which has made it easier for businesses to keep funds paid by card, as cash tips are already protected. In the future it will be illegal for employers to take any tips or service charge payments from restaurant workers, but it will be the responsibility for the workers to bring an employment tribunal case against their employer if they don't follow the new rules.

The priority for the business owner now will be to ensure they review how this change in legislation will affect their business model and make sure their policies are up to date to comply with it. With the ongoing shortage of staff in the broader hospitality sector, those businesses that look after and reward their staff well, will benefit in the longer term.



# The importance of good record keeping

Good record keeping is important for all businesses and The Companies Act (2006) requires businesses to keep a statutory register, which also needs to be reviewed and updated.

Details which need to be recorded include:

- Register of Shareholders
- Register of Directors
- Register of Directors' Residential Addresses
- Register of Secretaries
- Register of People with Significant Control
- Register of Charges

It is also recommended although not a legal requirement, to keep:

- Register of Applications and Allotments of shares and share capital of the business.
- Register of Transfers showing all share transfers which have taken place.

All of this record keeping is important and a failure to maintain the statutory registers may result in the company committing an offence, along with all of the officers of the business which is usually punishable by a fine.

The company is also legally obliged to maintain and have open to inspection its statutory registers by any shareholder of the company (for free), or to a member of the public (usually for a fee). If a member of the public makes a legitimate request to inspect the registers, the business must comply within five working days, or again both it and the officers will have committed an offence and may be fined.

If you would like to review your statutory obligations as a company director or officer or would like help and support please get in touch.

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## Quick reference section

**Statutory minimum notice periods:**  
An employer must give at least:

- One week's notice to an employee who has been employed for one month or more, but less than two years.
- One week's notice for each **complete** year of service for those employed for more than two years.
- Once an employee has more than 12 year's service, the notice period does not extend beyond 12 weeks.

### National Minimum Wage

	April 2020	April 2021
Apprentices	£4.15	£4.30
16-17	£4.55	£4.62
18-20	£6.45	£6.56
21-24	£8.20	£8.36
25+	£8.72	£8.91

**Statutory Sick Pay** (from April 2021)  
Per week £96.35

**Statutory Shared Parental/Maternity/Paternity/Adoption Pay**  
(basic rate) (from April 2021) £151.97

**Statutory Holiday**  
5.6 weeks for a full time employee.  
This can include bank and public holidays.

**Redundancy Calculation**

- 0.5 week's pay for each full year of service when age is less than 22.
- 1 week's pay for each full year of service where age during year is 22 or above, but less than 41.
- 1.5 week's pay for each full year of service where age during year is 41 and over.

Calculation is capped at 20 years. Maximum week's pay is capped under the Statutory Scheme for dismissals after 6<sup>th</sup> April 2021 at £544.00.



### CONTACT

If you would like any additional information on any of the subjects discussed in this newsletter please do not hesitate to contact us.



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