



May Employment Law Bulletin

Welcome to mfg's May Employment Law Bulletin which this month focuses on the General Data Protection Regulations (GDPR) which come into force on 25th May 2018. This leaves employers with only a couple of weeks to comply with the new regulations.

GDPR

GDPR is complex and broad ranging in its scope, and will be one of the most significant changes to employment law in recent years. Therefore coupled with greater enforcement penalties and powers from the Information Commissioner's Office, which could be up to €20 million or 4% of annual global turnover, whichever is higher, it is paramount employers fully understand the implications of GDPR, and crucially what steps should be taken now.

Under the current Data Protection regime, an employer will commonly rely on the consent of an employee for the grounds for lawful processing of their data. However under GDPR, consent must be freely given, specific in form and unambiguous. As a result, consent commonly found in Contracts of Employment and Staff Handbooks will certainly be insufficient and no longer valid.

In addition, employees will have the right to have their data erased as well as being able to withdraw their consent at any time.

What should my business be doing now?

1. Individual Privacy Notices need to be issued to each member of staff, as well as any prospective candidate during the recruitment process, in which your business would set out how it is compliant with GDPR when obtaining, handling, processing, transporting or storing personal data.
2. New policies and procedures need to be inserted into your Staff Handbook which would provide the Company's overall position with regards to GDPR in the employment context, including how members of staff can withdraw their consent, the right to be forgotten, how to deal with data subject access requests and the processes for a data protection breach.
3. All existing contracts, policies and procedures will need to be reviewed to ensure they are compliant with GDPR so that your business is able to show consent has been provided freely. Almost certainly this will involve new clauses being inserted to deal with employee monitoring and data protection.

Due to the introduction of GDPR next month, you will appreciate that it is vital your employment documentation and business is up to date and offers the best protection possible.

If you would like to enquire further about GDPR, would like your documentation reviewed and/or GDPR employment documents to be drafted for your business, contact Sally Morris at sally.morris@mfgsolicitors.com or on 01905 610410.

Employment Law Blog

The Employment Team blogs on a range of employment matters on a regular basis online. Here are a couple of our recent blogs:

- [Human rights group calls for ban on non-disclosure agreements in the workplace](#)
- [New National Minimum Wage comes into force](#)
- [Employment law changes from April 2018](#)
- [Legal costs awarded against employer in sham redundancy](#)
- [New rules seek to address agency worker rights](#)
- [Employee dismissed after informing employer about her pregnancy](#)
- [Working long hours and reasonable adjustments](#)
- [EMI scheme: important changes for employers](#)
- [Zero-hours contracts rise despite employment rights push](#)

Social media

If you and/or your business are on social media, you can follow our [Employment Twitter Account](#) for the latest news and updates on all things employment law related.

You can also follow MFG Solicitors on [Facebook](#), [Twitter](#) and [LinkedIn](#).

Contact us

The Employment and HR Services team at mfg are specialists with a significant amount of experience assisting clients with their employment and HR issues.

We offer a premium service to our clients, ensuring that our advice to businesses is commercial, practical and relevant to their individual requirements. If you have any employment or HR issues, we would be more than happy to have a chat with you to understand your needs and circumstances.

If you have any questions, please don't hesitate to get in touch with Sally Morris at sally.morris@mfgsolicitors.com or on 01905 610410.

