

Employment Law Changes

The following changes in Employment law have come into force from April 1st 2010

4 April 2010

Increase in statutory maternity, paternity and adoption pay

The standard rates of statutory maternity pay, statutory paternity pay and statutory adoption pay will increase to £124.88 per week, or 90% of the person's average weekly earnings if less than £124.88.

6 April 2010

"Fit" rather than "sick" notes

The new "Statement of Fitness to Work" or "fit note" is intended to focus minds on what can be done to assist a return to work and prompt useful discussions between patient and GP and employer and employee to this end. The GP is required to complete a tick-box section to confirm whether they consider a phased return to work, altered hours, amended duties and/or workplace adaptations would enable the employee to return to work.

The new "fit notes" will be computerised statements instead of being handwritten.

New right to request time off to train

Employees working for employers with 250 or more employees will have a new right to request time off to train. The right will then be extended to all employees, regardless of the size of their employer, from 6 April 2011. To make a request for time off to train under the new rules, employees will need to have completed six months' employment and the training must be for the purpose of improving both their effectiveness at work and the performance of their employer's business.

Whistleblowing: regulators to be informed of PIDA claims

If a whistleblowing claimant gives their consent, the tribunal will have the power to pass information to the appropriate regulator, who will then be able to investigate the alleged malpractice.

Additional paternity leave and pay

On 6 April 2010 new regulations come into force providing for additional paternity leave and pay to parents of babies born (and adoptive parents notified of a match) on or after 3 April 2011. Eligible employees (usually fathers) will have the right to take up to 26 weeks' paternity leave, if the mother (or primary adopter) returns to work early. Part of the leave will be paid if taken during the mother's (or primary adopter's) paid leave period. Businesses will need to ensure their policies are updated by mid-2010 to provide for the forthcoming changes.

Changes to the immigration rules

On 18 March 2010 the Home Office published changes to the Immigration Rules, which will come into effect on 6 and 7 April 2010. The key changes relate to Tier 1 and Tier 2 of the points-based system, and include new points criteria for both tiers, a simplified process for Tier 1 applicants without a Master's degree, greater flexibility for short-term transfers by multinational companies and more protection against the use of such transfers to fill long-term vacancies that should go to resident workers.

New "anti-slavery" criminal offences

Section 71 of the Coroners and Justice Act 2009 comes into force, introducing new criminal offences of holding someone in slavery or servitude, or requiring a person to perform forced or compulsory labour. The penalty for those found liable will be a fine, up to 14 years' imprisonment, or a combination of the two.

To be liable, the employer must know, or should reasonably have known, that the arrangement was oppressive and not completely voluntary.

If you would like to discuss any of the issues raised, please contact Robert Hill on 01494 525941