

Employment E-Bulletin

April 2010

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April Employment Law Changes



Introduction

This month sees the introduction of a series of new employment laws, a number of which we have previewed in earlier employment e-bulletins. Referred to below is an overview of each of the new legislative changes which are likely to affect you as an employer.

Paternity Leave

New paternity leave regulations will now enable mothers of children which are due on or after 3rd April 2011 to transfer up to 6 months of their maternity leave to the father upon their return to work.

Subject to meeting a number of qualifying criteria, fathers will be entitled to take a maximum of 26 weeks' additional paternity leave ("APL"). The two weeks' paternity leave which fathers have previously been entitled to take will now become known as "ordinary paternity leave".

APL must be taken in a continuous block not earlier than 20 weeks after the child has been born and cannot be taken beyond the child's first birthday. Entitlement to APL will also be dependent upon the mother having already returned to work. Where part of the APL is taken during the 39 week statutory maternity pay period, fathers will be entitled to receive paternity pay at the same rate as statutory maternity pay.

Fit Notes

The Social Security (Medical Evidence) and the Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010 replace the current sick certificate (sick note) with a "statement of fitness for work" otherwise known as a "fit note". Fit notes will require a doctor to indicate whether an employee is "fit" or "unfit" for work and lists 4 changes which a doctor can recommend an employer make to an employee's work or working environment in order to help them return to work sooner. There is also an "additional notes" section in the form so that doctors are able to make additional comments where they consider it appropriate. It is intended that employers will be encouraged to discuss the advice contained within the form with the employee in question in the hope that it expedites the employee's return to work and the extent to which they do, will determine the success of the new scheme.

Time off to study and train

All employees working for an employer with 250 or more staff will now have the right to request time off work to undertake study or training. The right will be similar to the current right to request flexible working and the right to request working beyond retirement age in that there is no right to have the request granted. The legislation effectively places a procedural obligation upon employers and importantly does not create any specific right to be paid during any time off and no right to have the employer cover the costs of study or training. The right will be extended to all other employers with effect from 6th April 2011.

Equality Bill

On 6th April 2010, the House of Commons approved the House of Lords amendments to the Equality Bill which is now expected to receive Royal Assent very shortly. As a result of this, the Equality Act 2010 is expected to come into force in October this year subject to the outcome of the General Election (the Conservative Party have announced their intention to remove certain sections of the Act). We shall be holding a series of seminars in the Autumn with a view to making clients fully aware of its implications and helping them put in place appropriate measures to ensure that their systems and practices are fully compliant.

Exploitation of Vulnerable Workers

The Coroners and Justice Act 2009 now makes it an offence for a person to hold another person in slavery or servitude or require them to perform forced or compulsory labour. The Act is intended to protect vulnerable individuals such as migrant workers with limited knowledge of the English language or individuals who are unaware of their employment rights from exploitation by employers. The Government has indicated that the Act is unlikely to affect those who comply with current employment law and that factors pointing to compulsory labour may include matters such as the withholding of documents such as passports, workers being forced to live or remain in a particular area, live in poor accommodation or not being paid agreed wages.



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If you do not wish to receive further information from Glaisyers Solicitors LLP about events or legal developments which we believe may be of interest to you, please either send an email to manchester@glaisyers.com or contact Tracey Fallon by telephone on 0161 832 4666 or by post at Glaisyers Solicitors LLP, 1 St James's Square, Manchester M2 6DN. The material contained in this article is provided for general purposes only and does not constitute legal or other professional advice. Appropriate legal advice should be sought for specific circumstances and before action is taken.

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