

EmployNet update

www.cwj.co.uk

Government issues guidance on forthcoming Bribery Act



The Government has issued guidance which sets out the measures businesses can put in place to prevent bribery, in preparation for the Bribery Act coming into force on 1st July 2011.

In January 2011, the Government delayed the implementation of the Act, originally set for April, so that it could review the guidance and allow employers three months from its publication to prepare for the legislation.

Under the Act, a corporate offence will be introduced for failing to prevent bribery by people working on behalf of the organisation, alongside offences for offering or accepting a bribe and bribing a foreign official.

Employers who can prove that, despite a particular case of bribery, they had adequate procedures in place to prevent people associated with the organisation from bribing will be protected under the Act.

However, the guidance also states that an employer does 'not need to put bribery prevention procedures in place if there is no risk of bribery on [its] behalf'.

Equally, the Government does not expect 'genuine hospitality' or similar expenditure to fall under the Act.

Justice Secretary Kenneth Clarke explained: "Without changing the substance of the Act, this guidance should save organisations of all sizes from the fears sometimes aroused by the compliance industry that millions of pounds must be spent on new systems that, in my opinion, no honest business will require in response to the commencement of this Act."

It will come as a relief to businesses that the full force of criminal law will not be brought to bear on well-run organisations that are affected by an isolated act of bribery. The Government appears to have listened to the concerns of business and tried to soften the more extreme ways in which the Act potentially could have been enforced.

For more information and clarification on either the Government guidance or the forthcoming Bribery Act, contact one of our specialist solicitors.

Meet the team



William Addis

William advises mainly employers ranging from SME's to PLC's on all aspects of employment law including day to day employment issues and tribunal claims.

Contact details:

E: william.addis@cwj.co.uk
T: 01689 887834



Rosa Brennan

Rosa has substantial experience acting for, and advising, employers and employees and has sat as a member of the Employment Tribunal.

Contact details:

E: rosa.brennan@cwj.co.uk
T: 01689 887872



Pritti Bajaria

Pritti's specialism is acting for employees. She has extensive experience of representing individuals, including directors and senior executives, covering a range of employment issues.

Contact details:

E: pritti.bajaria@cwj.co.uk
T: 01689 887846



Yasmin Awan

Yasmin specialises in employment issues acting for both employers and employees. She has experience in representing commercial clients and individuals in various cases.

Contact details:

E: yasmin.awan@cwj.co.uk
T: 01689 887805



Clarkson Wright & Jakes LLP
Valiant House, 12 Knoll Rise, Orpington, Kent, BR6 0PG
Tel: 01689 887887 Fax: 01689 887888
E-mail: kim.ewins@cwj.co.uk
www.cwj.co.uk

Additional paternity leave and pay comes into force

Additional paternity leave comes into force for fathers, or spouses or partners of mothers of children whose expected week of birth is on or after 3rd April 2011, or who are matched for adoption with a person who is notified of the match on or after 3rd April.

They are entitled to additional paternity leave of up to 26 weeks in the first year of their child's life or the first year after the child's placement for adoption, and may be entitled to additional paternity pay.

Budget 2011: Equality Act's third-party harassment regulations may be removed

As part of the 2011 Budget, the Government has announced that it will consult to remove the "unworkable" requirement under the Equality Act 2010 for employers to take reasonable steps to prevent harassment of staff by third parties.

The Plan For Growth, launched alongside the Budget, outlined plans to scrap proposed regulatory changes, which the Government claimed would have cost businesses more than £350 million to implement.

Acas welcomes Government's early conciliation proposals

Acas has welcomed the Government's proposal for potential employment tribunal claims to be referred for early conciliation, in its formal submission to the public consultation on resolving workforce disputes.

The Acas Council said that the plans, published by the Department for Business, Innovation and Skills in January, would allow it to expand its pre-claim conciliation (PCC) service - providing a quicker and more cost-effective resolution to disputes.

'Budget for growth' is positive for SMEs

Chancellor George Osborne delivered his second budget last month showing clear support for private sector companies.

The main benefits for small to medium enterprises were:

- Reduction in the main rate of Corporation Tax by 2% to 26% in the coming financial year
- The tax payable on businesses with profits under £300,000 will be reduced from 21% to 20% effective from 1st April 2011
- The increase in the rate of income tax relief for Enterprise Investment Schemes from 20% to 30% for shares issued on or after 6th April 2011
- The increase in entrepreneurs' relief for CGT purposes doubled to a lifetime limit of £10m from 6th April 2011.

For legal advice in relation to starting or growing a business, or acquiring business funding, contact our specialist corporate solicitors.

Government proposes changes to the Vetting and Barring Scheme under the new Protection of Freedoms Bill

The Protection of Freedoms Bill is expected to be implemented in 2012 and proposes the scaling down of the Vetting and Barring Scheme by:

- Merging the Independent Safeguarding Authority (ISA) with the Criminal Records Bureau (CRB)
- Reducing the number of roles requiring checks, focusing on only those who work "closely and regularly" with children or vulnerable adults
- Allowing the portability of checks between jobs
- Removing the requirement for individuals to be registered and continuously monitored by the ISA
- Providing an update facility (for a fee).

However, until these changes are implemented, businesses should continue with current practice, checking employees and volunteers who intend to work with children or vulnerable adults.

The duty to refer also continues. If an employer removes an employee or volunteer from regulated activity or controlled activity, or if he/she leaves while under investigation, the employer is required by law to refer this information to the Independent Safeguarding Authority.



New claims could increase for mobile injuries!

A law firm has predicted a rise in claims for 'new' conditions such as 'BlackBerry thumb'. They said increased awareness of these conditions could see a rise in compensation claims against employers.

'BlackBerry thumb' is a type of RSI caused by over-use of a mobile phone such as a BlackBerry, which many employees are increasingly using for work on the move.

lawnet.co.uk
The leading law firm network