

EmployNet update

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What's coming up in 2012?

As we enter 2012, here's a rundown of expected employment legislation coming up this year. There are many more pieces of unconfirmed legislation and dates that will be confirmed in due course. We will keep you fully informed as to when these come to fruition.

1st February 2012

New award limits come into force

The Employment Rights Order 2011 increases the limits on unfair dismissal to a maximum compensatory award of £72,300 and an increase from £400 to £430 for statutory limit on a week's pay.

8th March 2012 (postponed until March 2013)

Parental leave increases from three to four months

The permitted period of parental leave following the birth or adoption of a child was expected to increase from 13 weeks to 18 weeks. This has now been delayed following a review of parental leave being undertaken as part of the Government's Consultation on Modern workplaces.

1st April 2012

Statutory maternity, paternity and adoption pay increase

The standard rate of statutory maternity, paternity and adoption pay increases from £128.73 to £135.45 per week.

6th April 2012

Statutory sick pay increases

The standard rate of statutory sick pay increases from £81.60 to £85.85 per week.

6th April 2012

Changes to tribunal procedure come into force

The maximum amount of a deposit order, which a tribunal can order a party to pay as a condition to continuing with tribunal proceedings, increases from £500 to £1,000. The maximum amount of a costs order, which a tribunal may award in favour of a legally represented party, increases from £10,000 to £20,000.

6th April 2012

Qualifying period for unfair dismissal increases to two years

The qualifying period to bring a claim of unfair dismissal increases from one to two years in respect of employees employed on or after 6 April 2012.

1st October 2012

Automatic enrolment comes into force

The Pensions Act 2008 requires employers to automatically enrol all eligible employees not already participating in a workplace pension scheme into the employer's or the National Employment Savings trust (Nest) pension scheme. The new duties will be implemented over a four year period starting with large companies (or 120,000 or more employees) who will need to comply by 1st October 2012.

Meet the team



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



Pritti Bajaria

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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.



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



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Employment predicted to drop by 120,000 in 2012 according to the CIPD

The CIPD has forecast the number of people in work in the UK will fall by 120,000 in 2012 despite a continued 'productivity pause' and further real pay squeeze, with unemployment rising to 2.85 million.

Government launches consultation on employment tribunal and appeal tribunal fees

The Government has now launched its consultation on how to introduce fees for employment tribunals & the Employment Appeal Tribunal.

Option 1 proposes that to make a claim, the fee would be £150, £200, or £250, with a further fee of £250, £1,000, or £1,250 if the case proceeded to a hearing.

Option 2 recommends that the level of fees would also be influenced by whether the claimant is seeking an award above or below £30,000. In option 2, only one payment would be due.

Cameron vows to cut health and safety red tape

In a speech to small business leaders in Maidenhead, Prime Minister David Cameron said he had asked the Health and Safety Executive to bring forward plans to abolish up to half of existing regulations.

The Lofstedt Report has already recommended a raft of changes to lighten the red tape burden of health and safety.

Steve Radley, director of policy at EEF, welcomed Cameron's comments but warned that "The Lofstedt Review clearly indicated that the UK's health and safety system is fit for purpose and that the problems lie with the interpretation of legislation by some parts of the insurance industry, not the legislation itself."

The Government's temporary halt on employment law for small businesses branded a gimmick

The Government's moratorium on employment law for micro businesses has been branded a gimmick, after it emerged that those employing fewer than 10 staff were not exempt from a single regulation last year.

The scheme - introduced in April 2011 - is also set to make little difference this year as the smallest businesses stand to avoid just one obscure rule in forthcoming equality legislation with nothing else planned for exemption.

John Walker, chairman of the Federation of Small Businesses, said small firms are still waiting to see action that matches government rhetoric.

Abigail Morris, policy adviser at the British Chambers of Commerce, said: "Ministers have good intentions but there is still a volume of law on its way."

However, there is support for proposals such as "no-fault dismissals", which would give the smallest businesses the right to sack workers, with a pay-off in exchange for an agreement that they will not bring claims.

For more information on all forthcoming legislation, affecting small businesses, please contact a member of our team.

Agency Workers Regulations (AWR) not affecting use of temporary staff

Figures from the Recruitment and Employment Confederation (REC) refute predictions that employers will lay off large numbers of temporary workers at the end of the new 12 week qualifying period.

Under the AWR, which came into force on 1st October 2011, organisations must assign temporary staff the same levels of pay, benefits and working conditions as their permanent staff once they have completed a qualifying period of 12 weeks.

But while many organisations will face increased wage costs (the new rules are expected to cost employers an extra £1.8 billion to implement), some employers are looking at different supply models rather than reducing their temporary workforce.

One model, known as the Swedish derogation involves the temporary worker becoming an employee of the agency, rather than the hiring organisation.

This is beneficial for HR managers as it not only reduces costs, but passes the liability for any tribunal claims onto the agency.

However, HR professionals must use due diligence to ensure their agencies' employment contracts with workers are comprehensive. For more information and guidance, contact a member of our team.



Executive 'forced out of job' over LinkedIn CV

A human resources executive was forced out of his job after his employer accused him of inappropriate use of a social media site, by putting his CV online and advertising that he was interested in "career opportunities", a tribunal heard.

John Flexman, 34, is thought to be the first person in the country to bring a case for constructive dismissal after a dispute with bosses over his profile on the professional networking site LinkedIn.

The case raises broader issues over how employees use websites such as LinkedIn.

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