

EmployNet update

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April 2014 employment law changes – a six-point checklist



Every spring, along with warmer weather and lighter evenings, comes the latest instalment of legislative change for employers.

Early conciliation is the headline law change in 2014, but are you prepared for the others?

Here is your six-point employment law checklist:

1. Early conciliation

The early conciliation regime was introduced on 6th April 2014 (in part, and fully on 6th May). The regime introduces a new statutory requirement for prospective claimants seeking to bring a tribunal claim to contact Acas first, so that an attempt at conciliation can be made. Where this is not possible, Acas will issue an early conciliation certificate to the prospective claimant, enabling them to commence tribunal proceedings.

2. Discrimination questionnaire procedure repealed

Section 138 of the Equality Act 2010 was repealed on 6th April 2014, with the effect that provisions enabling an individual to obtain information from the employer about discrimination and for information to be used as evidence in tribunal proceedings no longer applies.

3. Financial penalties imposed on employers that breach employment rights

From 6th April 2014, tribunals will have the power to order employers that have breached workers' rights to pay a financial penalty of between £100 and £5,000 where the breach has one or more aggravating features.

4. Maximum compensatory award for unfair dismissal increases

From 6th April 2014, the maximum compensation limits for unfair dismissal will increase to £76,574.00 (previously £74,200.00). This remains subject to the additional cap of a year's pay (should this figure be lower than £76,574).

5. Statutory maternity, paternity and adoption pay increase

From 6th April 2014, the rate of statutory maternity pay, ordinary and additional statutory paternity pay and statutory adoption pay increases.

6. Statutory sick pay increases.

From 6th April 2014, the standard rate of statutory sick pay increases. In addition, the percentage threshold scheme, under which employers may recover some of the statutory sick pay paid to their employees, will be abolished with effect from 6 April 2014.

For more information on any of these forthcoming changes to employment law, contact our team of specialist solicitors.

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'Barriers' stop fathers taking paternity leave

A survey of employees and managers found that a quarter of new fathers took no paternity leave and fewer than one in 10 took more than their two weeks statutory leave.

The research by the Institute of Leadership & Management (ILM) blamed "ingrained" attitudes among employers, and concerns among new fathers that they could not afford to take leave.

Last year the government announced plans to allow parents to share their maternity and paternity leave - changes are scheduled to come in April 2015.

From the beginning of October 2014, The Children and Families Act, allows fathers to be and partners of pregnant women, to take time off to attend two antenatal appointments with the expectant mother.

But the ILM said its research suggested the changes would have little impact if attitudes of employers were not addressed as well.

More evidence that healthy staff increase productivity

With an ageing population and rising retirement age, helping keep staff healthy is of long-term benefit to employers. But it can also bring more immediate rewards in workplace productivity.

Research from Britain's Healthiest Company shows that poor employee health costs businesses time and money. Healthy staff are more productive and engaged and less likely to take time off sick, whereas the number of days lost because of absenteeism and presenteeism (working while sick and therefore less productively) increases the unhealthier employees are.

Thousands of SMEs underestimating the impact of auto-enrolment

The first wave of SMEs reached the staging date for auto-enrolment on the 1st April, and pensions experts are warning that some were underprepared for the undertaking.

In a recent survey of 260 companies, those companies that had already staged auto-enrolment recorded ongoing administration issues and challenges around HR systems.

Only 28% of the SMEs surveyed said they thought implementing the changes would be a problem. However recent changes to pensions could make implementation harder than businesses believe.

Almost all default funds will need to be reviewed to make sure they come in under the 0.75% charge cap and don't just blindly de-risk people on the assumption they will buy an annuity, which three quarters of defaults do

The conclusion from this recent survey and expert commentary is that smaller firms are underestimating what the true impact of auto-enrolment will be and without comparable back office systems to the bigger companies, the problems could be even more extensive.

For more information or advice on how to properly prepare for auto-enrolment, contact our team of specialist solicitors.

Business leaders launch mental health campaign

Half a working day per UK worker is lost each year to mental illness, the new Mental Health: We're Ready to Talk report released recently reveals.

It is being launched at Business in the Community's (BITC) Responsible Business Week alongside a new campaign to remove the stigma of mental health and turn it into a priority boardroom issue.

The report suggests that 15.2 million workdays were lost to mental illness in 2013 at a cost to the UK economy of £70 billion, or 4.5% of GDP.

One in six employees reported experiencing mental health issues, but less than half felt they could speak openly with their managers about it.

Organisations that do not promote the mental wellbeing of their employees risk long-term problems, including reduced competitiveness, lower productivity and fewer prospects for sustainable growth. Conversely, the rewards for businesses that engage with this issue are huge.

Contact our team of solicitors for more information on safeguarding your staff and promoting mental wellbeing in the workplace.

Only 8% of Generation X ever have the education listed on their CVs checked out

Qualifications are less likely to be checked the further away from graduation day a candidate gets, but the Higher Education Degree Datacheck (HEDD) warns of temptation to embellish on CVs due to pressure from the new '2.1' wave of graduates.

Of the 20,288 enquiries received since HEDD – the government-backed degree verification service – launched two years ago, 76% have been to check qualifications of those who graduated after 2000 and almost half are to verify graduates who left university within the last four years.

