

The Performance Group

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Minimum Statutory Holiday Entitlement Increases

On **1st April 2009** the statutory entitlement to paid holiday increases from 24 to 28 days (pro rata for part timers).

Statutory Maternity, Paternity and Adoption Pay Increases

On **5th April 2009** the standard rate of statutory maternity pay, statutory paternity pay and statutory adoption pay increases from £117.18 to £123.06.

Repeal of the Statutory Dispute Resolution Procedures

On **6th April 2009** the Employment Bill, which was published in December 2007, repeals the statutory dispute resolution procedures set out in the Employment Act 2002, sections 29 to 33 and Schedules 2 to 4. It also repeals the Employment Rights Act 1996, section 98A, returning the law on unfair dismissal to the position prior to the dispute resolution procedures coming into force in October 2004. **Further details about this legislation will be available FREE from our website in April 2009 <http://www.tpgl.co.uk/hr/free.html>**

Trade Union Membership Rules to be Amended

On **6th April 2009** Section 19 of the Employment Act 2008 will allow a trade union to expel or exclude an individual on the basis of his or her membership or former membership of a political party. This change follows a ruling from the European Court of Human Rights that a trade union could expel a member of the British National Party.

Employment Tribunals Act 1996 (Tribunal Composition) Order 2009 Comes into Force

On **6th April 2009** this order adds holiday pay to the list of jurisdictions that an employment tribunal chairman can hear alone.

Employment Tribunals (Constitution & Rules of Procedure) (Amendment) Regulations 2008 Comes into Force

On **6th April 2009** these amendments will make procedural changes to tribunal practice, including in relation to default judgments, electronic communications, withdrawal of proceedings, and Stage 1 equal value hearings.

Revised ACAS Discipline and Grievance Code of Practice Comes into Force

On **6th April 2009** the revised statutory ACAS Code of Practice on disciplinary and grievance procedures will be introduced. Where there is a breach of the Code of Practice, a tribunal can increase or decrease any award made by up to 25%.

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Increased Penalties for Failure to Pay National Minimum Wage Introduced

On **6th April 2009** the Employment Act 2008 provides increased powers for the enforcement of the national minimum wage. Section 8 of the Act provides for increased remuneration where arrears of the national minimum wage have been outstanding over a period of time. Section 9 increases the penalties for failure to comply with an enforcement notice and s.11 provides for offences to be dealt with in the higher courts. Section 12 provides HM Revenue and Customs officers with wider powers of investigation and s.18 removes the restrictions on the exchange of information between HM Revenue and Customs and the Employment Agency Standards Inspectorate.

Statutory Sick Pay Increases

On **6th April 2009** statutory sick pay increases from £75.40 to £79.15.

Right to Request Flexible Working to be Extended

During **April 2009** the right to request flexible working is extended to parents of children up to the age of 16.

Extension of Right to Time Off for Public Duties

During **April 2009** the right to time off for employees serving in a wider range of civic roles is extended. It is proposed that the right to time off for public duties under s.50 of the Employment Rights Act 1996 should be extended to cover roles such as members of probation boards; members of court boards; and youth offender panel members. It is also proposed that roles in the housing sector, such as board members of registered social landlords and tenant management organisations, should be covered by time off entitlements.

Weekly Working Time Limits for Doctors in Training Reduced

On **1st August 2009** the working time limits for doctors in training will be reduced to 48 hours as stipulated by the Working Time Regulations.

Centralised Vetting System for People Working with Children and Vulnerable Adults

On **12th October 2009** the Safeguarding Vulnerable Groups Bill will introduce a centralised vetting system for people banned from working with children and vulnerable adults. Employers will be able to make checks online, with information updated straight away when any individual is added to the list. Employers will be informed where possible if an individual becomes barred. There will be fines of up to £5,000 for employers that knowingly employ individuals on the list or fail to make the relevant checks.

Right to Request Time Off for Training to be Introduced

Although **no date has yet been confirmed** a right to request time off to undertake training, modelled on the right to request flexible working, is to be introduced. Employers will be obliged to consider seriously requests that they receive, but will be able to refuse a request where there is a good business reason for doing so. Employers will not be obliged to meet the salary or training costs to enable a request for time off to train to be met.

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Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2008 Comes into Force

Although **no date has yet been confirmed** this order will amend the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. It updates definitions related to child care to bring these into line with recent legislation, it extends the definition of conviction to include cautions, reprimands and final warnings, and it expands the list of sensitive positions which qualify for disclosure of spent conviction information to include the newly created position of non-lawyer "approved legal services body manager".

Employers to be Prevented from Including Tips in Minimum Wage Calculations

Although **no date has yet been confirmed** at some point during 2009 the national minimum wage legislation will be amended to stop employers using tips to top up staff pay in order to meet the national minimum wage. Currently, employers can count service charges and gratuities processed through the payroll towards their obligation to pay the minimum wage.

Maternity Leave is extended to 12 months

In **April 2010** the Government intends to extend paid maternity leave to 12 months. This follows an extension to nine months from April 2007.

Paternity Leave and Pay is extended

In **April 2010** the Government intends to allow fathers to benefit from up to 26 weeks' paid additional paternity leave if the mother of the child returns to work before the end of the maternity leave period to which she is entitled.

Number of Years' Contribution Required to Achieve a Full Basic State Pension to be reduced

On **6th April 2010** the number of years' contribution required to achieve a full basic state pension will be reduced to 30 years for both men and women.

Agency Workers Directive

By **5th December 2011** the Temporary Agency Workers Directive must be implemented which ensures that temporary agency workers receive the same basic employment and working conditions as if they had been employed directly by the end user.

Personal Accounts Scheme Starts up under Pensions Act 2008

In **2012** the Pensions Act provides that from this date all eligible workers, who are not already in a workplace pension scheme, are to be automatically enrolled into either their employers' pension scheme or a new savings vehicle, known as a personal account scheme. To encourage participation, employees' pension contributions will be supplemented by contributions from employers and tax relief.

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School Leaving Age to be Raised to 18

In **2013** the Education and Skills Act 2008 changes the statutory framework to put a duty on all young people in England to participate in education or training until the age of 18. It also amends legislation about the provision of adult education and training, and support for young people.

State Pension Age Rises to 66 Years

Between 2024 and 2026 the Pensions Act 2007 raises the state pension age from 65 to 66 years to reflect the ageing nature of the population.

State Pension Age Rises to 67 Years

Between 2034 and 2036 the Pensions Act 2007 raises the state pension age from 66 to 67 years to reflect the ageing nature of the population.

State Pension Age Rises to 68 Years

Between 2044 and 2046 the Pensions Act 2007 raises the state pension age from 67 to 68 years to reflect the ageing nature of the population.

