

The Performance Group

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Employment Rights (Increase of Limits) Order 2008

On **1st February 2009** the limits applying to certain awards of employment tribunals and other amounts payable under employment legislation were increased.

Deterred Job Applicants Gained Protection under Race Relations Act

On **22nd December 2008** the Race Relations Act 1976 (Amendment) Regulations 2008 put it beyond doubt that indirect discrimination on racial grounds covers a "deterred applicant". This means that a person who is put off applying for a job for which they are otherwise qualified because of an implication that they will be discriminated against should they attempt to do so is protected as much as a person who actually applies for the job or service and is then discriminated against.

Fixed-term Employees (Prevention of Less Favourable Treatment) (Amendment) Regulations 2008 came into force

On **27th October 2008** these Regulations amended the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 so that agency workers on contracts of less than three months are not excluded from statutory sick pay.

Employment and Support Allowance Regulations 2008 came into force

On **27th October 2008** these regulations set out the conditions of entitlement and benefit regulations for the new social security benefit, employment and support allowance. Employment and support allowance is payable to those who claim benefit on the basis that they have, or are treated as having, a health condition or disability that affects their ability to work. It became payable in respect of new claims arising from 27th October 2008.

Amendments to the Law on Terms and Conditions of Employment during Maternity Leave came into effect

On **5th October 2008** the Sex Discrimination Act 1975 (Amendment) Regulations 2008 narrowed the extent to which it is not discriminatory to deprive a woman of the benefit of her terms and conditions of employment during maternity leave. These amendments will facilitate claims for discrimination in relation to eligibility for remuneration by way of a bonus while on compulsory maternity leave. In addition, they enable claims for discrimination in relation to terms and conditions of employment in relation to periods of additional maternity leave to the same extent to which they are available in relation to periods of ordinary maternity leave. The amendments apply where a woman's expected week of childbirth began on or after 5th October 2008.

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National Minimum Wage Increases

From **1st October 2008** the rate of the national minimum wage was increased. The main rate rose from £5.52 to £5.73 per hour and the development rate from £4.60 to £4.77 per hour. The rate for workers aged 16 to 17 years increased from £3.40 to £3.53 per hour. There will also be changes to how employers are penalised for failing to comply with national minimum wage legislation.

Employers' Liability (Compulsory Insurance) (Amendment) Regulations 2008 came into force

On **1st October 2008** these Regulations amended the Employers' Liability (Compulsory Insurance) Regulations 1998. The amendments mean that the requirements for the display of an employer liability insurance certificate will be satisfied if the certificate is made available in electronic form and is reasonably accessible to the relevant employees.

Changes to the Sex Discrimination Act 1975 (Amendment) Regulations

This came into force on **6th April 2008** - This has amended the provisions in the act on discrimination on the grounds of pregnancy or maternity leave; harassment; and the series of exceptions relating to terms and conditions during maternity leave.

Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 are extended

On **6th April 2008** these Regulations extended the statutory requirement upon employers to consult with prospective and active members of pension schemes and their representatives before making major or significant changes to future pension arrangements to include businesses with 50 or more employees.

Information and Consultation of Employees Regulations 2004 are extended

On **6th April 2008** the Regulations which implement the Information and Consultation Directive in Great Britain were extended to cover business with 50 or more employees.

Corporate Manslaughter Bill

On **6th April 2008** new laws on corporate manslaughter were introduced. They create a new offence of corporate manslaughter, which will allow organisations to be prosecuted for management failures that lead to the deaths of employees and others. The new offence will apply when an individual has been killed because the senior management of an organisation has grossly failed to take reasonable care for the safety of employees or others. It will be an offence committed by organisations rather than individuals and will therefore carry a penalty of an unlimited fine rather than a custodial sentence.

Fines for Illegal Employees

On **29th February 2008** new laws were introduced that will result in fines of up to £10,000 for each worker employed illegally. **Further details about this legislation is available from our website <http://www.tpgl.co.uk/hr/free.html>**

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[Employment Rights \(Increase of Limits\) Order 2007](#)

On **1st February 2008** the limits applying to certain awards of employment tribunals and other amounts payable under employment legislation were increased.

[The Tribunals, Courts and Enforcement Act 2007 \(Commencement No. 1\) Order 2007 Brings into Force Provisions of the Tribunals, Courts and Enforcement Act 2007](#)

On **1st December 2007** the above provision amended the Employment Tribunals Act 1996 and created a new title of 'employment judge'.

[Data Protection Act 1998](#)

On **24th October 2007** manual filing systems in existence before 24 October 1998 are now required to comply fully with the Data Protection Directive (95/46/EC).

[Commission for Equality and Human Rights](#)

On **1st October 2007** a single equality body, called the Commission for Equality and Human Rights, was introduced. The body merged the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission, and takes responsibility for the new laws outlawing workplace discrimination on grounds of age, religion or belief and sexual orientation. It is also responsible for promoting human rights. The Equal Opportunities Commission and Disability Rights Commission was incorporated then, but the Commission for Racial Equality will remain separate until April 2009.

[National Minimum Wage Regulations 1999 \(Amendment\) Regulations 2007](#)

From **1st October 2007** the rate of the national minimum wage was increased. The main rate rose from £5.35 to £5.52 per hour and the development rate from £4.45 to £4.60 per hour. The rate for workers aged 16 to 17 years increased from £3.30 to £3.40.

[Minimum Statutory Holiday Entitlement Increases](#)

On **1st October 2007** the statutory entitlement to paid holiday increased from 20 to 24 days (pro rata for part timers).

[Education \(School Teacher Performance Management\) \(England\) Regulations 2006](#)

On **1st September 2007** governing bodies and local education authorities were required to establish and implement a performance management policy for their teachers.

[Weekly Working Time Limits for Doctors in Training Reduced](#)

On **1st August 2007** the working time limits for doctors in training were reduced from 58 hours to 56 hours. By 31st July 2009 this will be reduced to 48 hours as stipulated by the Working Time Regulations.

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[Ban on Smoking in the Workplace](#)

On **1st July 2007** a ban on smoking in enclosed public places, including most workplaces, came into force. In addition the regulations contained provisions that relate to smoke-free places (premises and vehicles) and set out the fixed penalty forms. The Regulations also contained requirements that relate to the display of no-smoking signs in smoke-free premises and vehicles in England. *An advice sheet is available from our website <http://www.tpgl.co.uk/hr/free.html>*

[Equality Act \(Sexual Orientation\) Regulations 2007](#)

On **30th April 2007** it became unlawful to discriminate on the grounds of sexual orientation in the provision of goods, facilities and services, education, disposal and management of premises and exercise of public functions.

[Public Authorities' Duty to Promote Gender Equality](#)

On **6th April 2007** the duty requires public sector bodies to draw up a scheme identifying gender equality goals; develop, publish and regularly review a policy on equal pay arrangements; and assess the impact of new legislation, and changes to policies, employment and service delivery.

[Parts of the Work and Families Act](#)

On **6th April 2007** the Act extended paid maternity leave from six to nine months for employees with an expected week of childbirth that is on or after this date and provided for the introduction of legislation to allow fathers to take up to six months' additional paternity leave, with paternity pay at the standard rate if the mother returns to work before taking her full entitlement to statutory maternity pay and maternity allowance. The Act also extended the right to request flexible working to employees who care for sick or elderly relatives.

[Employment Equality \(Age\) \(Consequential Amendments\) Regulations 2007](#)

On **6th April 2007** these Regulations made various amendments to legislation including providing that statutory sick pay will, in certain cases, not be prevented from arising for employees who are over pensionable age and not entitled to incapacity benefit. In addition the Employment Act 2002 (Dispute Resolution) Regulations 2004 were amended so that, where an employee believes that disciplinary action brought by an employer constitutes age discrimination, the employee may initiate a grievance under the statutory grievance procedure. They also clarified that the statutory age discrimination questionnaire does not constitute a grievance under the statutory grievance procedures.

[Rate of Statutory Sick Pay is Increased](#)

On **6th April 2007** the standard rate of statutory sick pay was increased to £70.05 per week.

[Work at Height \(Amendment\) Regulations 2007](#)

On **6th April 2007** these Regulations amended the Work at Height Regulations 2005 to include work concerning the provision of instruction or leadership to one or more persons in connection with their engagement in caving or climbing by way of sport, recreation, team building or similar activities.

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Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 are Extended

On **6th April 2007** these Regulations extended the statutory requirement upon employers to consult with prospective and active members of pension schemes and their representatives before making major or significant changes to future pension arrangements to include businesses with 100 or more employees.

Information and Consultation of Employees Regulations 2004 are Extended

On **6th April 2007** the Regulations which implement the Information and Consultation Directive in Great Britain, were extended to cover business with 100 or more employees.

Standard Rate of Statutory Maternity, Paternity and Adoption Pay are Increased

On **1st April 2007** the standard rates for statutory maternity, paternity and adoption pay were increased to £112.75 per week.

Employment Rights (Increase of Limits) Order 2006

On **1st February 2007** the limits applying to certain awards of employment tribunals and other amounts payable under employment legislation were increased. The limit on the amount of the compensatory award for unfair dismissal increases from £58,400 to £60,600. The maximum amount of 'a week's pay' for the purpose of calculating basic or additional award of compensation for unfair dismissal or redundancy payment increases from £290 to £310.

New Countries Join the European Union

On **1st January 2007** Bulgaria and Romania joined the European Union. This gave nationals of these countries the right to reside and work in the United Kingdom from that date.

Parts of the Disability Discrimination Act 2005

On **4th December 2006** provisions placing a general duty on public authorities in carrying out their functions to have due regard to the need to eliminate unlawful discrimination and harassment; promote equality of opportunity between disabled persons and other persons; and to take steps to take account of disabled persons' disabilities (even where this involves treating disabled persons more favourably than others) came into force.

Age Discrimination Pension Scheme Provisions

On **1st December 2006** the pension scheme provisions of the Employment Equality (Age) Regulations came into effect.

Regulatory Reform (Fire Safety) Order 2005

On **1st October 2006** the law was reformed relating to fire safety in non-domestic premises. It replaces fire certification under the Fire Precautions Act 1971 with a general duty to ensure, so far as is reasonably practicable, the safety of employees and to carry out risk assessments.

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[Statutory Maternity Pay and Maternity Allowance \(Amendment\) Regulations 2006](#)

On **1st October 2006** the Regulations amended the Social Security (Maternity Allowance) Regulations 1987 and the Statutory Maternity Pay (General) Regulations 1987. The amendments, which apply to employees with an expected week of childbirth on or after 1 April 2007, extend the period of maternity pay from six to nine months.

[Statutory Paternity Pay and Statutory Adoption Pay \(General\) and the Statutory Paternity Pay and Statutory Adoption Pay \(Weekly Rates\) \(Amendment\) Regulations 2006](#)

On **1st October 2006** the Regulations amended the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 and the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002. The amendments, which apply to an employee whose child is expected to be placed for adoption with him or her on or after 1 April 2007, extend the period of adoption pay from six to nine months.

[Flexible Working \(Eligibility, Complaints and Remedies\) \(Amendment\) Regulations](#)

On **1st October 2006** the Regulations amended the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 to extend the right to request flexible working to carers of adults from 6 April 2007.

[Maternity and Parental Leave \(Amendment\) Regulations 2006](#)

On **1st October 2006** the Regulations amended provisions relating to maternity leave in the Maternity and Parental Leave etc Regulations 1999. The amendments, which apply to employees with an expected week of childbirth on or after 1 April 2007, include removing the additional length of service qualifying condition for additional maternity leave, so that an employee who qualifies for ordinary maternity leave will also now qualify for additional maternity leave; and entitling an employer to make 'reasonable contact' with an employee while she is on maternity leave.

[Paternity and Adoption Leave \(Amendment\) Regulations 2006](#)

On **1st October 2006** the Regulations amended provisions relating to adoption leave in the Paternity and Adoption Leave Regulations. The amendments, which apply to an employee whose child is expected to be placed for adoption with him or her on or after 1 April 2007, include extending the period of notice that an employee is required to give to an employer of his or her intention to return to work before the end of the additional adoption leave from 28 days to eight weeks; and entitling an employer to make 'reasonable contact' with an employee while he or she is on adoption leave.

[Statutory Maternity Pay and Leave Extended](#)

On **1st October 2006** the Work and Families Act increased statutory maternity pay from six months to nine for employees with an expected week of childbirth that is on or after 6 April 2007.

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[Employment Act 2002 \(Amendment\) Order 2006](#)

On **1st October 2006** the Order extended the scope of the statutory dispute resolution procedures to include information and consultation representatives and representatives appointed under the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006.

[National Minimum Wage Regulations 1999 \(Amendment\) Regulations 2006](#)

From **1st October 2006** the rate of the national minimum wage was increased. The main rate rose from £5.05 to £5.35 per hour and the development rate from £4.25 to £4.45 per hour. The rate for workers aged 16 to 17 years increased from £3.00 to £3.30.

[Employment Equality \(Age\) Regulations 2006](#)

From **1st October 2006** the Regulations set a default retirement age of 65, but employers will be under a duty to consider requests to work beyond this age. Employers will only be able to set a retirement age below 65 if it can be shown to be appropriate and necessary.

[Police Act 1997 \(Criminal Records\) \(Amendment No.2\) Regulations 2006](#)

On **1st September 2006** the Regulations amended the Police Act 1997 (Criminal Records) Regulations 2002 by adding to the list of purposes for which an enhanced criminal record certificate can be issued. They add to the list the purpose of considering a person's suitability for a position concerned with providing care services or representative or advocacy services to vulnerable adults or a position as a member of the governing body of an educational institution.

[Revised code of practice on definition of disability](#)

On **1st May 2006** practical guidance became available on matters to take into account when considering whether a person is disabled for the purposes of the Disability Discrimination Act 1995

[Statutory Sick Pay \(General\) Amendment Regulations 2006](#)

On **10th April 2006** amendments came into force that provide that a person is deemed incapable of work if he or she is excluded or abstains from work in accordance with a request or notice in writing made under an enactment, or is otherwise prevented from working pursuant to an enactment, in order to prevent the spread of a relevant disease.

[Flexible Working \(Eligibility, Complaints and Remedies\) \(Amendment\) Regulations](#)

On **6th April 2006** these Regulations amended the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 to extend the right to request flexible working to carers of adults from 6 April 2007.

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[Commission for Racial Equality Revised Code of Practice](#)

On **6th April 2006** this code outlines employers' legal obligations under Race Relations Act 1976 and contains general advice on developing policies to safeguard against discrimination and harassment.

[Rate of Statutory Sick Pay is Increased](#)

On **6th April 2006** the standard rate of statutory sick pay is increased to £70.05 per week.

[Working Time \(Amendment\) Regulations 2006](#)

On **6th April 2006** the Working Time Regulations 1998 were amended by removing the exemption from limits on the maximum weekly working time in cases where a worker's working time was partly unmeasured or determined by the worker.

[Pensions Act 2004, Remaining Sections](#)

On **6th April 2006** the remaining sections of the Pensions Act 2004 came into force which included requirements for employers to consult on major pension scheme changes.

[Contracting-out, Protected Rights and Safeguarded Rights \(Transfer Payment\) Amendment Regulations 2005](#)

On **6th April 2006** these Regulations removed the requirement for the trustees of a transferring pension scheme to satisfy themselves that the member has permanently emigrated before making a transfer payment of contracted-out or safeguarded pension rights to an overseas pension scheme or arrangement.

[Standard Rate of Statutory Maternity, Paternity and Adoption Pay are Increased](#)

On **2nd April 2006** the standard rates for statutory maternity, paternity and adoption pay were increased to £108.85 per week.

[Unified Tribunal Service](#)

In **April 2006** the Employment Tribunals Service was merged into a single tribunal service (with other tribunal services) to be known as the Tribunals Service and its role is extended to explore alternative methods of resolving disputes.

[Employment Rights \(Increase of Limits\) Order 2005](#)

On **1st February 2006** the limit on the amount of compensatory award for unfair dismissal was increased from £56,800 to £58,400. The maximum amount of a "weeks pay" for the purpose of calculating basic or additional awards of compensation for unfair dismissal or redundancy payment increased from £280 to £290.

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Civil Partnership Act 2004

From **5th December 2005** same-sex couples are allowed to make a formal legal commitment to each other by entering into a civil partnership through a statutory civil registration procedure. This means that gay and lesbian couples who register their relationship will have similar rights and responsibilities to married couples including, for example, the right to survivors' pension benefits.

Disability Discrimination Act 2005

On **5th December 2005** parts of the above act came into force which amended the definition of disability so that mental illness need no longer be clinically well recognised to be a mental impairment, and deeming people with cancer, HIV infection or multiple sclerosis to be disabled, whether or not their condition has an effect on their ability to carry out normal day to day activities.

Duty to Promote Disability Equality: Statutory Code of Practice

On **5th December 2005** the public sector have a duty to promote disability equality.

Rate of the National Minimum Wage Increased

On **1st October 2005** the rate of the national minimum wage increased from £4.85 to £5.05 per hour and the development rate from £4.10 to £4.25 per hour.

Employment Equality (Sex Discrimination) Regulations 2005

On **1st October 2005** this regulation introduced a new definition of indirect discrimination in employment matters and vocational training; prohibit harassment and sexual harassment in employment and vocational training; and make it clear that less favourable treatment of women on grounds of pregnancy or maternity leave is unlawful sex discrimination.

Reforms to the Transfer of Undertakings (Protection of Employment) Regulations 1981

On **1st October 2005** proposed reforms came into force which include applying the Regulations more comprehensively to service contracting operations (such as office cleaning, catering, security guarding and refuse collection); introducing a requirement on the transferor to notify the transferee of the employment liabilities that will be transferring; clarifying when employers can lawfully make transfer-related dismissals and negotiate transfer-related changes to terms and conditions of employment for 'economic, technical or organisational' (ETO) reasons; and introducing new flexibility into the Regulations' application in relation to the transfer of insolvent businesses.

New Tribunal Claim and Response Forms become Mandatory

On **1st October 2005** the use of the new employment tribunal claim and response forms, introduced from 1 October 2004, became mandatory.

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[Control of Major Accident Hazards \(Amendment\) Regulations 2005](#)

On **1st July 2005** the Regulations amended the Control of Major Accident Hazards Regulations 1999, which exist to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any which do occur.

[Transfer of Employment \(Pension Protection\) Regulations 2005](#)

On **6th April 2005** where there is a business transfer to which TUPE applies, and an employee has access to an occupational pension with employer contributions prior to the transfer, then the transferee employer must offer a transferred employee certain pension arrangements.

[Pensions Act 2004, Various Sections](#)

On **6th April 2005** various sections, including those relating to the introduction of a Pension Protection Fund and a Financial Assistance Scheme, came into force. The Pension Protection Fund is intended to protect final salary schemes against the risks of winding up and the Financial Assistance Scheme is designed to help employees whose schemes have already been closed.

[Stakeholder Pension Schemes \(Amendment\) Regulations 2005](#)

On **6th April 2005** the Regulations introduced a requirement that members' savings in stakeholder pension schemes be moved to less volatile investments five years before retirement. The Regulations also make minor technical amendments to the Stakeholder Pension Schemes Regulations 2000.

[Information and Consultation of Employees Regulations 2004](#)

On **6th April 2005** the Information and Consultation Directive in Great Britain, which establishes a general framework for informing and consulting employees in the European Community came into force. The Regulations initially apply to undertakings with 150 or more employees.

[Employment Relations Act 2004, Remaining Sections](#)

On **6th April 2005** provisions amending the statutory union recognition procedure and strengthening employees' protection against dismissal when taking official industrial action came into force.

[Rate of Statutory Sick Pay is Increased](#)

On **6th April 2005** the standard rate of statutory sick pay was increased to £68.20 per week.

[Gender Recognition Act 2004](#)

From **4th April 2005** this act allows transsexuals to gain legal recognition in their acquired gender, to marry in their new gender and to apply for a substitute birth certificate.

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[Rates of Statutory Maternity, Paternity and Adoption Pay are Increased](#)

On **3rd April 2005** rates of statutory maternity, statutory paternity and statutory adoption pay were increased to £106.00 per week (or 90% of the person's average weekly earnings if that is less than £106.00).

[Companies Act 1985 \(Operating and Financial Review and Directors' Report\) Regulations 2004](#)

From **1st April 2005** quoted companies must provide shareholders with an overview of strategy, performance and future prospects, including information about employees.

[Police Act 1997 \(Criminal Records\) \(Amendment\) Regulations 2005](#)

On **1st April 2005** new fees for criminal record certificates and enhanced criminal record certificates came into effect. This raises the cost from £28 to £29 and £33 to £34 respectively.

[Employers' Liability \(Compulsory Insurance\) \(Amendment\) Regulations 2004](#)

On **28th February 2005** regulations amended the Employers' Liability (Compulsory Insurance) Regulations 1998 to exempt an incorporated company run by its owner, who is also the sole employee of the company, from the requirement to take out employers' liability insurance.

[Employment Rights \(Increase of Limits\) Order 2004](#)

On **1st February 2005** the limits applying to certain awards of employment tribunals and other amounts payable under employment legislation were increased. The limit on the amount of the compensatory award for unfair dismissal increases from £55,000 to £56,800. The maximum amount of 'a week's pay' for the purpose of calculating basic or additional award of compensation for unfair dismissal or redundancy payment increases from £270 to £280.

[Freedom of Information Act 2000](#)

On **1st January 2005** this act allows individuals to submit requests for the disclosure of information held by public bodies, unless those organisations can show that the information requested is exempt from disclosure.

[Christmas Day Trading Act 2004](#)

On **9th December 2004** this act prohibits shops of more than 280 square metres from opening on Christmas Day.

[Employment Act 2002 \(Commencement No 8\) Order 2004](#)

On **1st November 2004** where a worker is regarded as automatically unfairly dismissed because of one of the statutory dismissal and disciplinary procedures applied in relation to the dismissal, but the procedure was not complied with due to failure on the part of the employer, the tribunal will make an award of four week's pay (unless it would result in an injustice to the employer).

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Agency Worker Regulations

During **late 2004** legislation to comply with the Temporary (Agency) Workers Directive came into force and which is incorporated into UK law. This gives temporary agency workers an entitlement to working and employment conditions comparable to those of permanent employees. It covers areas such as work and rest periods, paid holiday, pay, overtime pay and health and safety.

National Minimum Wage

On **1st October 2004** the national minimum wage was increased to £4.85 for workers aged 22 and over and to £4.10 for workers aged 18 to 21 inclusive.

Code of Practice on Discipline and Grievance

On **1st October 2004** a revised version of the ACAS Code of Practice came into force that sets out practical advice and guidance for dealing with disciplinary and grievance matters in the workplace.

Dispute Resolution Regulations

On **1st October 2004** the Employment Act 2002 (Dispute Resolution) Regulations came into effect and require employers to develop and make available to employees minimum statutory procedures for resolving grievances and dealing with allegations of misconduct and poor performance in the workplace.

New Disability Discrimination Act Regulations

On **1st October 2004** changes to the Disability Discrimination Act 1995 include the removal of the exemption for employers with fewer than 15 employees.

On **1st October 2004** discrimination on the grounds of disability by trustees and managers of occupational pension schemes will be outlawed.

Corporate Homicide Legislation

During **2004** new laws on corporate killing and corporate manslaughter were introduced. A company will be found guilty of corporate killing if "a management failure by its cause or one of the causes of a person's death; and that failure constitutes conduct falling far below what can be reasonably be expected of it in the circumstances". There are also 2 new offences introduced: "reckless killing" and "killing by gross carelessness".

New Countries Join the European Union

On **1st May 2004** the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia joined the European Union. This gave nationals of these countries the right to work in the United Kingdom from that date.

Jobseeker's Allowance (Amendment) Regulations 2004

On **19th April 2004** this regulation increased the minimum number of steps that a person must take to be actively seeking employment from at least two to at least three in a week, unless taking one or two steps is all that is reasonable to do in that week.

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[ACAS Arbitration Scheme \(Great Britain\) Order 2004](#)

On **6th April 2004** this Order extends to Scotland the ACAS arbitration scheme for employers and employees in dispute over alleged unfair dismissal.

[Minimum Wage for Home Workers](#)

On **6th April 2004** this regulation came into force which abolished the “four-fifths” rule and removed the requirement that there be an agreed estimate of the hours needed to complete the work.

[Dispute Resolution](#)

Due **April 2004**, the aim will be to put the emphasis on resolving disputes in the workplace rather than in tribunals. It will place an obligation on employees to raise grievances with their employers before applying to tribunal. It will also introduce a statutory dismissal and disciplinary and statutory grievance procedure.

[Employment Agencies Regulations 2003](#)

On **6th April 2004** organisation's offering work-finding services are required to make it clear whether they operate as employment agencies or employment businesses. These regulations also prevent agencies from charging a fee when a temporary employee is permanently engaged unless an extended hiring period has already been offered on usual terms.

[Standard rates of SMP, SPP and SAP are increased](#)

On **4th April 2004** the standard rates of statutory maternity pay, statutory paternity pay and statutory adoption pay were increased to £102.80 per week - or 90% of the persons average weekly earnings if that is less than £102.80.

[Criminal Records \(Amendment\) Regulations 2004](#)

On **1st April 2004** the cost of a criminal record certificate rose from £24.00 to £28.00 and the cost of the enhanced certificated went from £29.00 to £33.00.

[Employment Rights \(Increase of Limits\) Order 2003](#)

On **1st February 2004** the limits applying to certain awards of employment tribunals and other amounts payable under employment legislation were increased. The limit on the amount of the compensatory award for unfair dismissal increases from £53,500 to £55,000. The maximum amount of 'a week's pay' for the purpose of calculating basic or additional award of compensation for unfair dismissal or redundancy payment increases from £260 to £270.

[Employment Equality \(Religion or Belief\) Regulations 2003](#)

On **2nd December 2003** the Employment Equality (Religion or Belief) Regulations 2003 made it unlawful to discriminate on grounds of religion or belief in employment and vocational training. This includes direct discrimination, indirect discrimination, victimisation and harassment.

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[Employment Equality \(Sexual Orientation\) Regulations 2003](#)

On **1st December 2003** the Employment Equality (Sexual Orientation) Regulations 2003 came into force. This makes it unlawful to discriminate on grounds of sexual orientation in employment and vocational training. This also extends to direct discrimination, indirect discrimination, victimisation and harassment.

[Equal Pay \(Amendment\) Regulations 2003](#)

On **1st December 2003** regulation 6 came into force. This alters the procedure for claims for equal pay for work of equal value and has been revised to take into account new legislation, including the introduction of the equal pay questionnaire.

[Road Vehicles \(Construction and Use\) \(Amendment\) \(No4\) Regulations 2003](#)

On **1st December 2003** this regulation created a criminal offence of using a hand-held mobile phone or similar device while driving. Under the proposals, employers that "cause or permit" their employees to use a hand-held phone while driving will be liable.

[National Minimum Wage Regulations 1999 \(Amendment\) Regulations 2003](#)

On **1st October 2003** the national minimum wage was increased from £4.20 to £4.50 per hour. An increase from £3.60 to £3.80 also took effect for workers aged between 18 and 21 who qualify for the national minimum wage.

[Race Relations Act 1976 \(Amendment\) Regulations 2003](#)

On **19th July 2003** these regulations came into force which implemented the EC Race and Ethnic Origin Directive (2000/43/EC). Key changes included a new definition of indirect race discrimination, a change to the burden of proof in race discrimination cases and the introduction of express provisions prohibiting harassment on grounds of race or ethnic or national origins.

[Equal Pay \(Amendment\) Regulations 2003](#)

In **July 2003** these regulations 2003 came into force which changed the time limits within which proceedings before an employment tribunal must be commenced and the time period in respect of which a tribunal is able to award any payment by way of arrears of remuneration or damages.

[Standard Rates of SMP are Increased](#)

On **6th April 2003** the flat rate of SMP was increased to £100 per week or 90% of average earnings – whichever is the lower. In addition the period of maternity pay increased to 26 weeks – 90% of average earnings for 6 weeks and the 20 week balance at either 90% of average earnings or £100 – whichever is the lower.

On **6th April 2003** the simplified framework regarding maternity pay and maternity leave covering such issues as notice requirements and length of maternity leave took effect.

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Introduction of Paid Paternity Leave

On **6th April 2003** Fathers were given the right to 2 weeks paid paternity leave. This is paid at the same flat rate as statutory maternity leave.

Equal Pay Questionnaire

On **6th April 2003** the Employment Act 2002, section 42 amended the Equal Pay Act 1970 which served to introduce an equal pay questionnaire in employment tribunal equal pay cases which will make it easier for individuals to request key information from their employer when deciding whether to bring a case. Although completion of the questionnaire is not compulsory, failing to reply or the making of evasive replies may lead to inferences being drawn by a tribunal.

Flexible Working Regulations 2002

On **6th April 2003** the Government implemented the right to work flexibly and for employers to consider these requests seriously. This right applies to employees with at least 6 months' service with children under the age of 6 (or 18 in the respect of disabled children).

On **6th April 2003** the new flexible working regulations 2002 (Procedural requirements) came into force. These regulations outline the procedure to be followed by employers where requests are made for flexible working under the right for employees to request a variation to their contractual terms and conditions.

