

Human Resources Legal Update

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Sally Morris

Sally Morris, Partner and Head of the Employment Division at mfg Solicitors LLP considers the impact of this month's employment law developments and HR in your business.

October Changes in Legislation

October sees the introduction of the biannual statutory employment law changes. You as HR Managers and all those in your businesses responsible for personnel issues will need to be aware of and implement the changes with effect from 1st October 2008:-

National Minimum Wage

- The rates for the National Minimum Wage will increase as follows:

Aged 22+	£5.73
18-21	£4.77
16-17	£3.53

A failure to increase pay in line with the minimum could result in Tribunal claims.

Maternity

- For babies expected after 5th October 2008, women on Additional Maternity Leave become entitled to the same terms and conditions of employment as when they were on Ordinary Maternity Leave. This extends the entitlement to last for 52 weeks from 26 weeks.

Liability Insurance

- Changes have been made to the requirements for displaying an employer's liability insurance certificate in the workplace, meaning that it is now acceptable to make an electronic copy available, whereas previously a hard copy was required to be on display.

Benefits

- Incapacity Benefit and Income Support are replaced by Employment and Support Allowance for new applicants who are claiming on incapacity grounds.

Statutory Sick Pay

- A change which is likely to have considerable effect is that Statutory Sick Pay is now payable to agency workers who work for less than three months.

Job Evaluation Guidance

Following the influx of equal pay claims in the Employment Tribunal, a useful advisory booklet 'Job evaluation: considerations and risks' has been produced by ACAS, to assist employers to reduce their exposure to equal pay claims.

The guide outlines a job evaluation process, with considerations for employers to determine whether a job evaluation structure is feasible and appropriate for their business.

A job evaluation scheme can benefit a business in a number of ways, including making it easier for businesses to defend their pay scales in an equal pay claim.

Job evaluation can be a complicated process, requiring employers to determine the relative importance of different jobs while avoiding prejudice or discrimination.

You may already be operating a Job Evaluation Scheme and it is imperative you should be ensuring all staff involved in these procedures are fully trained to ensure your business is not exposed to any liability claims for discrimination.

If you require mfg Solicitors LLP can provide training and guidance on the drafting of a Job Evaluation Scheme or how to operate a scheme practically within your business.

Disability Discrimination

Keeping up to date with ever changing employment law is difficult with case law and decisions affecting the interpretation of statutes, as well as legislative developments, as case law greatly affects our legal system and a failure to follow guidance laid down in judgments can lead to exposure to Tribunal claims.

A recent case which I believe is noteworthy for human resources professionals, has highlighted that employees can also succeed in discrimination claims on the basis of associative discrimination.

The case in question concerned an allegation of harassment by the employer on grounds of the disability of the employee's son, for whom she is the primary carer.

The case should be considered by, and training given to any Managers or HR Assistants who consider flexible working applications, to ensure that your business is not exposed to associative discrimination due to the manner in which an application is handled.

If you have any questions or comments on the contents of this update, or to take more specific legal advice, please do not hesitate to contact me on:

0845 55 55 321

Sally Morris
Head of the Employment Division



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