

Rush for change leads to doubts

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COMPLEXITY**



Speeding up employment law reforms could have unintended consequences, say Chris Fisher and Miriam Bruce of law firm Mayer Brown International

From an employment law perspective, the first half of 2013 is shaping up to be an interesting one, particularly as the Government hopes a number of its proposals for deregulating and modernising employment relations will come to fruition during the year.

Remember, however, that although 2012 promised significant change, little was actually delivered. The main change came

in April when the qualifying period for unfair dismissal claims increased from one to two years, although it is widely anticipated that this is unlikely to lead to any significant change in the total number of employment tribunal claims either this year or next.

The limited progress made last year explains why the Government wants to up the pace of employment law reform in 2013. An

ambitious legislative reform timetable includes the following:

- | **April:** 'Employee shareholder' employment contracts introduced: in return for shares, employees give up certain rights, including unfair dismissal and statutory redundancy pay
- | **April:** reduction in the collective redundancy consultation period from 90 to 45 days (where 100 or more employees are involved)

| **Summer:** imposition of fees for employment tribunal claims.

Another change envisaged this year, with no confirmed implementation date, is the introduction of 'protected conversations'. This will cover pre-termination settlement offers and be deemed inadmissible in most unfair dismissal claims.

Some of the proposals may make life easier, such as reducing the amount of time for collective consultation. But others appear less straightforward – particularly 'employee shareholder' contracts, with questions unanswered over how shares would be valued if they are not publicly traded.

In addition, unintended consequences may follow the proposals. The administrative burden of processing fees could slow down an already struggling tribunal system, and 'protected conversations' could give rise to satellite litigation (such as in the question of whether the 'conversation' in question amounted to a settlement offer). It may be the case that as the Government tries to simplify one area of law, another gets more complicated.

Chris Fisher is partner and Miriam Bruce a senior associate at Mayer Brown's London employment group



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teams of four go head-to-head in 10 mental and physical activities across the Yorkshire Dales, while raising money for people with terminal illnesses. "It is designed to build on business skills... planning, communication and co-operation skills," says Marie Curie's Arun Sharma. Interested? Visit www.greatescapechallenge.com.

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After the success of last year, the Department for Education has extended the SkillForce initiative 'Military to Mentors' for another year. The programme is intended to

provide ex-service personnel in England with a career opportunity within the education sector, and help young people who have a range of behavioural issues. Each military mentor is fully trained in functional skills, child protection and first aid. It is funded by the Department of Education's 'Troops to Teachers' scheme.