

Employment Legislation Timetable

1 February 2013

Amendments to the unfair dismissal compensatory award

The maximum compensatory award for unfair dismissals rose from £72,300 to £74,200, for those terminations taking effect on or after 1 February 2013. The maximum amount of a week's pay, used to calculate statutory redundancy pay, has also increased from £430 to £450.

28 February 2013

Repeal of mental health legislation

Legislation has been repealed which had prevented individuals with mental health conditions from serving as company directors, MPs, members of the devolved legislatures and jurors. This includes provisions that relate to the automatic termination of a director's appointment on grounds of mental health.

8 March 2013

Revised Parental Leave Directive comes into force

The revised Framework Directive on Parental Leave has been implemented, which increases parental leave from 13 weeks to 18 weeks.

1 April 2013

Reforms to legal aid, litigation funding and costs

Part 2 of the Legal Aid, Sentencing and Punishment of Offenders Act has come into force. This reforms the legal aid system and makes various changes to how litigation fees and costs are recovered, including introducing regulations on conditional fee arrangements and damages based agreements.

6 April 2013

Changes to the collective redundancy rules

The time period for collective consultation has been halved from the current 90 day period, before the first redundancy can take effect (if there are 100 or more redundancies) to 45 days. There is no change to the 30-day minimum period for 20-99 redundancies. The enacting legislation also excludes the expiry of fixed term contracts from the scope of collective redundancy consultation.

6 April 2013

Increase to the level of statutory sick pay

Statutory sick pay has increased from £85.85 to £86.70. The weekly earnings threshold has also risen from £107 to £109.

7 April 2013

Increase to the levels of statutory maternity, paternity and adoption pay

The rates for statutory maternity pay, statutory paternity pay and statutory adoption pay increased from £135.45 to £136.78, with the weekly earnings threshold for these payments rising from £107 to £109. Maternity allowance has also increased to £136.78 (from £135.45), with the earnings threshold remaining at £30.

| | |
|-------------------------|---|
| 17 June 2013 | <p>DBS checks become ‘portable’</p> <p>Disclosure and Barring Service checks (formerly CRB checks) have now become portable between employers, following the enactment of the Protection of Freedoms Act. Individuals are now able to register once for a DBS check which will then be automatically updated and available for organisations to check instantly online.</p> |
| 25 June 2013 | <p>New requirements when making qualifying disclosures under whistleblowing legislation</p> <p>Changes have been made to the current whistleblowing legislation, so that qualifying disclosures must now be made in the public interest (in addition to the worker making the disclosure having a reasonable belief).</p> |
| 25 June 2013 | <p>Unfair dismissal for political opinions or affiliations</p> <p>The two year qualifying period for unfair dismissal will not apply where the main reason for dismissal is the employee’s political opinions or affiliations.</p> |
| 25 June 2013 | <p>Caste discrimination</p> <p>The Equality Act has been amended to the extent that the Government must put forward legislation to outlaw caste discrimination.</p> |
| 29 July 2013 | <p>Two-stage fee charging structure in the employment tribunal</p> <p>A new two-stage charging structure has come into force pursuant to which claimants are required to pay an ‘issue fee’ when they submit their claim or appeal, followed by a ‘hearing fee’ prior to a hearing. The amount of each fee will depend on the type of claim, with remissions available for claimants who cannot afford the fees.</p> |
| 29 July 2013 | <p>Revised Employment Tribunal Rules</p> <p>The new Employment Tribunal Rules have come into force, which aim to simplify the previous rules to ensure that they provide a framework to manage cases more flexibly, efficiently, proportionately and consistently.</p> |
| 29 July 2013 | <p>Amendments to unfair dismissal and settlement agreements</p> <p>The Enterprise and Regulatory Reform Act contains provisions that result in pre-termination negotiations being inadmissible in unfair dismissal claims and also provide for compromise agreements to be re-named “settlement agreements”.</p> |
| 1 September 2013 | <p>Employee-shareholder contracts introduced</p> <p>A new type of employment contract has been introduced, under which employees will be given shares in the business in exchange for waiving certain employment rights.</p> |
| 1 October 2013 | <p>Changes to the Companies Act to promote transparency in gender balance</p> <p>Changes to the Companies Act now make it a requirement for companies to produce a standalone, strategic report for each financial year, separate from the directors’ report, including a requirement for quoted companies to state the gender split for directors, managers and employees.</p> |
| 1 October 2013 | <p>Removal of third-party harassment and discrimination questionnaire provisions from the Equality Act</p> <p>The Government has repealed the third-party harassment and statutory discrimination questionnaire provisions of the Equality Act, with the aim of reducing red-tape for businesses.</p> |

| | |
|---------------------------|--|
| 1 October 2013 | <p>Enhanced shareholder rights and directors' duties</p> <p>The Enterprise and Regulatory Reform Act has introduced changes to the way in which quoted companies' disclose directors' remuneration and makes provision for shareholder approval of company directors' remuneration reports.</p> |
| 1 October 2013 | <p>National minimum wage rise</p> <p>The national minimum wage has risen at all levels. The standard adult rate (for workers aged 21 and over) has increased to £6.31 an hour (from £6.19), the development rate (for workers aged between 18 and 20) has risen to £5.03 an hour (from £4.98), the young workers rate has risen to £3.72 an hour (from £3.68) and the rate for apprentices has risen to £2.68 an hour (from £2.65).</p> |
| 1 October 2013 | <p>TUPE regulations for interaction with auto-enrolment</p> <p>New Regulations have come into force in relation to the way in which TUPE interacts with pensions auto-enrolment. A transferee will now be able to satisfy its TUPE obligations by paying contributions equal to those paid by the transferor immediately before the transfer, instead of matching employees' contributions.</p> |
| 2013/2014 tax year | <p>Further decrease in corporation tax, decrease in top rate of tax on earnings and rise in personal allowance</p> <p>The main rate of corporation tax rate has been reduced to 23%. The top rate of tax on earnings over £150,000 has been reduced from 50% to 45%. For 2013-14, the personal allowance has been raised by a further £1,335 to £9,440.</p> |
| January 2014 | <p>Proposal to change TUPE Regulations</p> <p>Having previously proposed to completely remove the service provision change rules, the Government has now confirmed that the current rules will remain in place. However, an amendment to TUPE will be made to make clear that the activities carried on after the change in service provision must be "fundamentally or essentially the same" as those carried on before it. These changes are expected to come into force in January 2014.</p> |
| 2014 | <p>Extension of the right to request flexible working</p> <p>Following the Government's <i>Consultation on the Modern Workplace</i>, the Government intends to proceed with its decision to extend the right to request flexible working. The right will become available to all employees from 2014, provided they have 26 weeks' continuous service and is limited to one request in any 12 month period.</p> |
| 6 April 2014 | <p>Financial penalties for employers for breach of employment rights with 'aggravating features'</p> <p>Employers who lose an employment tribunal case will pay a financial penalty if the breach of the employment right in question has "one or more aggravating features".</p> |
| 6 April 2014 | <p>Early conciliation to be required before claim can be made</p> <p>Acas will introduce its new mandatory early conciliation process. The new system will be brought into force under provisions contained in the Enterprise and Regulatory Reform Act.</p> |

- October 2014** **Compulsory pay audits following breach of equal pay law**
- The Government will introduce regulations giving tribunals the power to order an employer to carry out an equal pay audit where it is found to have breached equal pay law.
- By end of 2014** **Steps to reform health and safety regulations**
- The Government intends to implement the key recommendations from a review of health and safety legislation by the end of 2014. These will include a consolidation of existing health and safety regulations, the deregulation of most self-employed people, and a review of strict liability in PI claims.
- 2015** **‘Flexible’ maternity and paternity leave is expected to be introduced**
- Changes will be made to maternity and paternity leave to give parents more flexibility as to when they take time off. Amongst other changes, parents will be able to share 50 of 52 weeks of statutory maternity leave and 37 of 39 weeks’ statutory maternity pay. As long as these limits are not exceeded, leave can be taken consecutively or at the same time.
- 6 April 2016** **Minimum pay threshold for migrants wanting to settle in the UK**
- The Government plans to introduce a minimum pay threshold of £35,000 a year for skilled workers under the Tier 2 (general) and Tier 2 (sports person) immigration routes who want to settle in the UK.
- April 2016** **Equalisation of state pension age for women**
- The state pension age for women will be equalised with the state pension age for men between 2018 and 2020. The equalisation timetable for women will be expedited from April 2016 in order to account for this change.
- December 2018** **State pension age rises to 66 years**
- The Pensions Act raises the state pension age from 65 to 66 years to reflect the ageing nature of the population. The rise in the state pension age to 66 for men and women begins gradually from December 2018 until October 2020.

Mayer Brown is a global legal services organisation advising many of the world’s largest companies, including a significant portion of the Fortune 100, FTSE 100, DAX and Hang Seng Index companies and more than half of the world’s largest banks. Our legal services include banking and finance; corporate and securities; litigation and dispute resolution; antitrust and competition; US Supreme Court and appellate matters; employment and benefits; environmental; financial services regulatory & enforcement; government and global trade; intellectual property; real estate; tax; restructuring, bankruptcy and insolvency; and wealth management.

OFFICE LOCATIONS AMERICAS: Charlotte, Chicago, Houston, Los Angeles, New York, Palo Alto, Washington DC
ASIA: Bangkok, Beijing, Guangzhou, Hanoi, Ho Chi Minh City, Hong Kong, Shanghai, Singapore
EUROPE: Brussels, Düsseldorf, Frankfurt, London, Paris
TAUIL & CHEQUER ADVOGADOS in association with Mayer Brown LLP: São Paulo, Rio de Janeiro

Please visit our website for comprehensive contact information for all Mayer Brown offices. www.mayerbrown.com

Mayer Brown is a global legal services provider comprising legal practices that are separate entities (the “Mayer Brown Practices”). The Mayer Brown Practices are: Mayer Brown LLP and Mayer Brown Europe–Brussels LLP, both limited liability partnerships established in Illinois USA; Mayer Brown International LLP, a limited liability partnership incorporated in England and Wales (authorised and regulated by the Solicitors Regulation Authority and registered in England and Wales number OC 303359); Mayer Brown, a SELAS established in France; Mayer Brown JSM, a Hong Kong partnership and its associated entities in Asia; and Tauil & Chequer Advogados, a Brazilian law partnership with which Mayer Brown is associated. “Mayer Brown” and the Mayer Brown logo are the trademarks of the Mayer Brown Practices in their respective jurisdictions.

© 2013. The Mayer Brown Practices. All rights reserved.