

Employment Legislation Timetable 2015 –16 and future developments

1 January 2015

Income tax exemption for medical treatments

Where medical treatment is recommended to assist an employee who has been, or is likely to be, absent from work due to sickness or injury, the employer may pay up to £500 towards that treatment without giving rise to a taxable benefit for the employee. This was introduced under the Income Tax (Recommended Medical Treatment) Regulations 2014. Employees must have been absent from work for 28 consecutive days and a healthcare professional must have recommended the treatment in writing.

5 January 2015

Recruitment from outside GB

Employment businesses and agencies must advertise vacancies in Great Britain if they want to also advertise in other EEA countries. The government wants to ensure that there is a “level playing field for workers”.

8 January 2015

Back-stop period introduced for unlawful deductions from wages claims

The Deduction from Wages (Limitation) Regulations 2014 have come into force and impose a two year back-stop period on most unlawful deductions claims, including claims for holiday pay. The period applies to all claims presented on or after 1 July 2015 and is intended to limit the impact of the Bear Scotland case.

The Regulations also clarify that the Working Time Regulations 1998 do not confer a contractual right to paid leave so that workers cannot avoid the limitations on wages claims in the tribunal by bringing a breach of contract claim in the civil courts.

12 February 2015

EAT: from CA to Supreme Court

Section 65 of the Criminal Justice and Courts Act 2015 enables the EAT to permit a party to “leapfrog” the Court of Appeal and appeal directly to the Supreme Court.

10 March 2015

Enforced subject access

Section 56 of the Data Protection Act 1998 came into force which makes enforced subject access a criminal offence. If an employer requires a job applicant to obtain a copy of their criminal record via a subject access request as a condition of employment, it would amount to enforced subject access.

25 March 2015

Tribunal fees

The Employment Tribunals and Employment Appeal Tribunal Fees (Amendment) Order 2015 came into force, clarifying uncertainty in article 11 of the 2013 Order regarding rules on fees. It makes clear that if an employer brings a contract claim in response to an employee’s contract claim, the fee payable will always be charged by reference to a type A claim, even if the employee’s original claim was brought together with one or more type B claims.

- 26 March 2015** **Approved English apprenticeships**
- The Deregulation Act 2015 introduced the concept of an “approved English apprenticeship” under an “approved English apprenticeship agreement”. These replace “apprenticeship agreements” in England.
- 26 March 2015** **Financial penalties for employers failing to pay tribunal awards**
- Section 150 of the Small Business, Enterprise and Employment Act 2015 inserted a new section into the Employment Tribunals Act 1996 to allow Tribunals to impose penalties on employers who fail to pay awards made by the tribunal or sums due under a COT3. This section is awaiting a commencement order to bring it into force.
- 26 March 2015** **Postponement of tribunal hearings requests**
- A consultation closed on 12 March 2015 on draft regulations which are intended to amend the Employment Tribunal Rules to include a rule limiting parties to making two postponement requests. There has been no indication on when the draft regulations will come into force, but in the meantime, section 151 of the Small Business, Enterprise and Employment Act 2015 came into force on 26 March 2015 which allows the regulations to be made to: (i) limit the number of postponements or adjournments a party may apply for, except in circumstances specified in the regulations; and (ii) require a tribunal to consider making a costs order against a party who makes a “late application” to postpone or adjourn a hearing.
- 26 March 2015** **The Modern Slavery Act 2015**
- This Act received Royal Assent on 26 March 2015 and it consolidates current offences relating to slavery and trafficking. The key areas include the creation of two new civil orders to prevent modern slavery, the establishment of an Anti-Slavery Commissioner and provisions for the protection of modern slavery victims. With effect from 29 October 2015, companies are now required to produce transparency statements to show human trafficking is not taking place in any of its supply chains or its business.
- 5 April 2015** **Changes to adoption and paternity leave**
- The Paternity and Adoption Leave (Amendment) (No.2) Regulations 2014 came into force and extended the rights to adoption leave to individuals fostering a child under the “Fostering for Adoption” scheme.
- Additionally, a number of changes were made to the Paternity and Adoption Leave Regulations 2002, which include: (i) the removal of the qualification period for adoption leave so that adopters are eligible to take leave from day one of their employment; (ii) a right not to suffer a detriment for taking time off to attend antenatal or adoption appointments; and (iii) clarification that employees will not be able to take paternity leave if they have either taken paid time off to attend adoption appointments or have taken shared parental leave in relation to the same child.
- 5 April 2015** **Parental leave regime extended**
- The right to parental leave has been extended to parents of children aged between five and 18 years old.

- 5 April 2015** **The introduction of shared parental leave**
- Shared parental leave became available for those employees whose expected week of child-birth began on or after 5 April 2015. Eligible employees are entitled to share between them as parents a maximum of 52 week's leave and 39 weeks' statutory pay on the birth or adoption of a child.
- 26 May 2015** **Exclusivity in zero hours contracts became unenforceable**
- Section 153 of the Small Business, Enterprise and Employment Act 2015 inserted a new section into the Employment Rights Act 1996 which makes exclusivity clauses in zero hours contract unenforceable.
- Summer 2015** **Caste discrimination**
- Section 97 of The Enterprise and Regulatory Reform Act 2013 came into force on 25 June 2013, and it amended the Equality Act 2010 ("EqA") such that it placed an obligation on the government to make caste discrimination unlawful. The government intended to carry out a full public consultation on the legalisation before enacting any such provision. However, following the decision in *Tirkey v Chandok* and another in which the EAT held that caste could be protected under the race provisions of the EqA, the government has put plans for any such consultation on hold since it appears that individuals have a legal remedy under the legislation as currently drafted.
- 1 July 2015** **Remuneration code changes**
- There are now five separate remuneration codes which apply to difference categories of firms in the financial services sector.
- 24 July 2015** **Government consultation on the taxation of termination payments**
- A consultation was launched in July on simplifying the tax and NIC treatment of termination payment. Amongst the proposals being consulted on is a proposal to replace the current £30,000 allowance with an exemption for redundancy only at a rate rising with length of service. The consultation closes on 16 October 2015.
- 6 September 2015** **Gender pay gap reporting**
- The government consultation on gender pay gap reporting closed on 6 September 2015. The consultation sought views on the government's pledge to require companies with over 250 employees to publish their gender pay information and ways to increase the number of women in the workplace at all levels of seniority. Draft regulations have not been made but are expected in early 2016.
- 1 October 2015** **National minimum wage increases**
- With effect from 1 October 2015, the new NMW rates will come into effect. The hourly rates will increase as follows: the adult rate to £6.70, the young workers rate to £3.87, the youth development rate to £5.30, and the apprenticeship rate to £3.30.

- 1 October 2015** **Recommendations in discrimination cases**
- Section 2 of the Deregulation Act 2015 will amend the Equality Act 2010 so that employment tribunals will no longer have the power to make wider recommendations in successful discrimination cases. Tribunals will still be able to make recommendations that benefit an individual claimant, but they will not be able to make more wide-reaching recommendations which effect the wider workplace.
- 1 October 2015** **Health and Safety at work**
- The Health and Safety etc. Act 1974 (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2015 will come into force in October. Under these Regulations the self-employed will be exempt from health and safety law if they have no employees and do not conduct a “prescribed undertaking”. Regulation 2 identifies which undertakings are of a “prescribed description” for these purposes.
- 13 October 2015** **Immigration Bill 2015-16**
- The Immigration Bill 2015-16, which was introduced to the House of Commons on 17 September 2015, is expected to have a second reading on 13 October 2015. The Bill makes proposals on ways to crack down on illegal working and the exploitation of migrant workers, for example, by making it a criminal offence to work illegally, imposing more robust sanctions on employers and strengthening enforcement.
- 29 October 2015** **Modern Slavery Act**
- Section 54 came into force which requires all commercial organisations carrying on business in the UK with a turnover of £36m or more to complete a modern slavery statement annually. There is a transitional provision which provides that the requirement only applies to organisations with financial years ending on or after 31 March 2016.
- Autumn 2015** **British Bill of Rights**
- On 8 September 2015, it was announced that a consultation on the British Bill of Rights, which is intended to replace the Human Rights Act 1998, would commence at the end of the Autumn 2015.
- 2015 – 2016** **Trade Union Bill**
- The government has proposed reforms to the Trade Union and Labour Relations (Consolidation) Act 1992 which include increasing ballot thresholds, extending the notice of industrial action required to be given to employers and a new expiry date for action to be taken following a ballot. There are also proposals to require public sector bodies or bodies which are publicly funded to publish information about union facility time in the organisation, and a power for the government to introduce regulations restricting the right of union officials to paid facility time in the public sector.
- The new Trade Union Bill has passed two readings in the House of Commons, and three consultations on the changes came to an end on 9 September 2015.
- 2016** **Childcare Bill 2015-2016: free childcare**
- The government proposes to increase the provision of free childcare for eligible working parents of children aged three and four years old to 30 hours a week.

2016	<p>Public sector exit payments (Enterprise Bill 2015-16)</p> <p>The government has published the draft Public Sector Exit Payment Regulations 2016 which will impose a cap of £95,000 on the total aggregate value of exit payments made to most public sector workers.</p>
2016	<p>Extremism Bill</p> <p>Data protection: the government plans to give employers the ability to check whether an individual is an extremist and bar them from working with children.</p>
15 February 2016	<p>Recruitment agencies</p> <p>Government to publish its response to the consultation on regulation of recruitment agencies and further restrictions on overseas recruitment.</p>
7 March 2016	<p>Regulatory framework for individuals in the financial services sector</p> <p>The new senior managers and certification regime is due to be implemented on 7 March 2016. The new regime, which regulates individuals working in banks, building societies and some investment firms, is intended to align risk and reward and strengthen individual accountability in the financial services sector.</p>
26 March 2016	<p>Gender pay gap reporting</p> <p>Regulations due to be published by 26 March. The government announced that reporting will include information on bonuses and will be extended to cover public sector employers.</p>
April 2016	<p>The National Living wage</p> <p>A compulsory National Living Wage for all working people aged 25 and over is due to be introduced in April 2016 at a rate of £7.20 per hour.</p>
April 2016	<p>Introduction of a new flat-rate State Pension</p> <p>The full new State Pension is set to be no less than £151.25 per week, although the actual rate is due to be announced in the autumn of 2015.</p>
7 September 2016	<p>Whistleblowing in financial institutions</p> <p>PRA and FCA rules on whistle blowing in financial institutions come into force</p>
2016 – 2017	<p>Referendum on whether UK should remain in the EU</p> <p>The referendum, which is planned to take place no later than December 2017, could raise issues in many key areas including working time, collective redundancy consultation, discrimination and business transfers.</p>
Early 2017	<p>Tax-free childcare scheme</p> <p>A new scheme is due to be launched in 2017 which will allow families in which both parents work and each earns less than £150,000 per year to receive 20% of their yearly childcare costs of up to £2,000 for each child or £4,000 if the child is disabled. It is intended that the scheme will be available for children under the age of 12.</p>

2018

Grandparental leave

The government intends to bring legislation into force by 2018.

November 2018

Equalisation of state pension age for women

The state pension age for women will be equalised with the state pension age for men by November 2018. The equalisation timetable for women started increasing from 6 April 2010 in order to account for this change.

March 2019

State pension age rises to 66 years old

The Pensions Act is set to raise the state pension age from 65 to 66 years old to reflect the ageing nature of the population. The rise in the state pension age to 66 for men and women begins gradually from March 2019 until September 2020.

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