

Employment Legislation Timetable

2009

6 JANUARY

IMPROVING PROTECTION FROM DISABILITY DISCRIMINATION

The Office for Disability Issues consultation closed on 6 January. A number of prominent organisations submitted responses to the key proposal, to replace the concept of disability-related discrimination with that of indirect discrimination.

16 JANUARY

HEALTH AND SAFETY (OFFENCES) ACT 2008

The Act came into force on 16 January, and increased the maximum penalties for breach of the Health and Safety at Work Act 1974.

23 JANUARY

EQUAL PAY AND FLEXIBLE WORKING BILL

The second reading of a Private Member's bill which aims to do the following:

- amend the Equal Pay Act 1970 by inserting a reasonableness test into the genuine material factor defence;
- make equal pay audits mandatory for employers who are found guilty of pay discrimination by an Employment Tribunal;
- extend the right to flexible working to all parents with children under the age of 18.

26 JANUARY

EMPLOYEE DATA AND MONITORING

The second reading of the Coroners and Justice Bill, which includes amendments to the Data Protection Act 1998, including increasing the powers of the Information Commissioner. The Bill is now at committee stage.

1 FEBRUARY

NEW COMPENSATION LIMITS

The Employment Rights (Increase of Limits) Order 2008 increased certain Employment Tribunal awards and other amounts payable under employment legislation as follows:

- the limit on the amount of a week's pay for calculating statutory redundancy payments and the basic award for unfair dismissal increased to £350 (from £330);
- the maximum compensatory award for unfair dismissal went up to £66,200 (from £63,000);
- guarantee pay increased to £21.50 a day (from £20.40);
- the minimum basic award in cases where the dismissal was unfair by virtue of performing duties as a health and safety representative, employee representative, or an occupational pension trustee or for trade union membership or activities increased to £4,700 (from £4,400).

These new rates apply where the event giving rise to compensation or payment occurred on or after 1 February 2009.

3 FEBRUARY	<p>EMPLOYMENT RIGHTS BILL</p> <p>The first reading of a Private Member's bill to provide that UK nationals shall have rights of employment in the UK equal to or as favourable as those afforded to foreign nationals or conferred by the UK Parliament.</p>
23 FEBRUARY	<p>APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING BILL</p> <p>The second reading of this Bill, announced in December 2008, which aims to reform education, training and apprenticeship for young people and adults. In particular, it will give all suitably-qualified young people the right to an apprenticeship place from 2013.</p>
13 MARCH	<p>STATUTORY REDUNDANCY PAY (AMENDMENT) BILL</p> <p>The second reading of the Private Member's Bill which is intended to increase the amount of money employees are entitled to under statutory redundancy pay terms.</p>
19 MARCH	<p>EMPLOYMENT AGENCIES AND EMPLOYMENT BUSINESSES</p> <p>Consultation on amendments to the Conduct of Employment Agencies and Employment Businesses Regulations 2003 began. Consultation closes on 11 June 2009. It is likely that the earliest date for any amendments to come into force would be April 2010.</p>
31 MARCH	<p>TIER 4 OF POINTS-BASED IMMIGRATION SYSTEM</p> <p>Tier 4 of the points-based immigration system, which applies to students, was implemented.</p>
1 APRIL	<p>INCREASE IN STATUTORY MINIMUM HOLIDAY ENTITLEMENT</p> <p>Statutory minimum holiday entitlement was increased from 24 to 28 days (including bank holidays).</p>
6 APRIL	<p>EXTENSION OF RIGHT TO REQUEST FLEXIBLE WORKING</p> <p>The Government extended the right to request flexible working to parents of children up to the age of 16. It previously only applied to parents with a child under six or a disabled child under 18.</p>
6 APRIL	<p>DIRECTORS' REMUNERATION</p> <p>Quoted companies are now required to explain in the directors' remuneration report <i>how</i> pay and employment conditions in the whole company and group have been taken into account when setting directors' remuneration (The Large and Medium-sized Companies and Groups (Accounts and Reporting) Regulations 2008).</p>
6 APRIL	<p>ABOLITION OF STATUTORY DISPUTE RESOLUTION PROCEDURES</p> <p>The Employment Act 2008 repealed the statutory dismissal and grievance procedures introduced in 2004.</p> <p>New measures to improve dispute resolution in the workplace were introduced, including:</p> <ul style="list-style-type: none"> • the right for Employment Tribunals to adjust compensation by up to 25% for unreasonable failure to comply with the new Acas code of practice on discipline and grievance (where it applies); • reversion to the pre-2004 position, that dismissals where a fair procedure has not been followed will be unfair, but that Employment Tribunals may reduce compensation to reflect the possibility that an employee would still have been dismissed even if a fair procedure had been followed.

- 6 APRIL INCREASES TO STATUTORY SICK PAY AND MATERNITY, PATERNITY AND ADOPTION PAY
- The weekly rate of Statutory Sick Pay increased to £79.15 (from £75.40)
 - The prescribed weekly rate of Statutory Maternity Pay, Paternity Pay and Adoption Pay increased to £123.06 (from £117.18).
- 6 APRIL RESOLVING DISPUTES IN THE WORKPLACE
- The Employment Tribunal Rules of Procedure were amended in relation to the following:
- respondents' applications for extensions of time to present a response;
 - issuing and reviewing default judgements;
 - extending the steps a respondent can take when they are prevented from taking part in proceedings;
 - interim relief;
 - dismissing claims on withdrawal.
- 27 APRIL WORKING TIME OPT-OUT
- Discussions between the European Commission and the European Parliament on proposed amendments to the Working Time Directive broke down. As a result, the UK can continue to opt-out of the 48 hour working week for the time being.
- 27 APRIL SINGLE EQUALITY ACT
- The Equality Bill was published, which amalgamates all pieces of anti-discrimination legislation into one single statute with the objective of increasing clarity and improving guidance. The Government has published a consultation paper on a provision in the bill providing protection from "multiple discrimination".
- SPRING HUMAN RIGHTS INQUIRY
- The final report of the Equality and Human Rights Commission: Human Rights Inquiry, is expected.
- MAY PREGNANT WORKERS DIRECTIVE
- The European Parliament is due to announce its decision in May on the European Commission's proposal to amend the Pregnant Workers Directive. The proposals are to increase the minimum period of maternity leave to 18 weeks and for women to be paid their full pay during that period, subject to a ceiling of at least the level of statutory sick pay.
- 5 JUNE CONSULTATION ON MULTIPLE DISCRIMINATION
- The consultation on whether the Equality Bill should include claims for multiple discrimination closes on this date.
- 1 OCTOBER NATIONAL MINIMUM WAGE AND TIPS
- The law will change so that tips, gratuities, cover charges and service charges can no longer be taken into account when deciding if a worker has received the National Minimum Wage.
- 1 OCTOBER NATIONAL MINIMUM WAGE RATE
- National minimum wage rates will change on 1 October. From then, workers aged 22 and over must be paid a minimum of £5.80 per hour.

16 OCTOBER

EQUALITY AND DIVERSITY (REFORM) BILL

The second reading of a Private Member's bill to repeal the Sex Discrimination (Election Candidates) Act 2002 and prohibit the use of affirmative and positive action in recruitment and appointment processes.

OCTOBER

SAFEGUARDING VULNERABLE GROUPS ACT

The Act will establish a new centralised vetting and barring scheme for people working with children and vulnerable adults. The new system was originally due to come in in 2007 but has been postponed.

IN 2010

RIGHT TO REQUEST TIME OFF TO UNDERTAKE TRAINING

The Government intends to introduce a right for employees to request time off for business-related training. The proposed procedure would mirror that used for flexible working requests. Employers will be able to refuse requests for acceptable business reasons.

EXTENSION OF MATERNITY, PATERNITY AND ADOPTION RIGHTS – WORK AND FAMILIES ACT

- Paid maternity leave will be extended from nine months to 12 months.
- The Government proposes to introduce a new right of additional paternity leave of up to 26 weeks for employed fathers or partners (of either sex) of a mother or adopter following the birth or adoption of a child. The leave will be for the purpose of caring for a child after the mother or adopter has returned to work. People entitled to this additional paternity leave may also be entitled to additional statutory pay if the mother has not taken all of her SMP when she returns to work.

The Government's goal was to introduce these changes in 2009, but it has now announced that it is planning to implement the changes for babies due in April 2010 or later.

IN 2011

TEMPORARY AGENCY WORKERS

Member states have until 5 December 2011 to implement the Council Directive on Temporary Agency Workers. This will provide new rights for agency workers, including the right to equal basic working and employment conditions with comparable permanent employees after spending 12 weeks in a job. The Government has said it wants to implement the Directive during 2009, however employers' groups are urging the Government to make full use of the extended implementation period.

2012

PENSIONS

Proposed implementation of the Pensions Act 2008, which includes duties on employers to register their employees in either the company's own qualifying scheme or a personal accounts scheme and make minimum pension contributions for employees.

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