

## Employment Legislation Timetable

### 2009

1 APRIL

#### INCREASE IN STATUTORY MINIMUM HOLIDAY ENTITLEMENT

Statutory minimum holiday entitlement was increased from 24 to 28 days (including bank holidays).

6 APRIL

#### EXTENSION OF RIGHT TO REQUEST FLEXIBLE WORKING

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.

6 APRIL

#### DIRECTORS' REMUNERATION

Quoted companies are now required to explain in the directors' remuneration report *how* 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).

6 APRIL

#### ABOLITION OF STATUTORY DISPUTE RESOLUTION PROCEDURES

The Employment Act 2008 repealed the statutory dismissal and grievance procedures introduced in 2004.

New measures to improve dispute resolution in the workplace were introduced, including:

- 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	<p><b>WORKING TIME OPT-OUT</b></p> <p>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.</p>
27 APRIL	<p><b>SINGLE EQUALITY ACT</b></p> <p>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.</p>
11 MAY	<p><b>EQUALITY BILL</b></p> <p>The second reading of the Equality Bill took place. The Bill is due to go to the House of Lords in the autumn.</p>
10 JUNE	<p><b>GANGMASTERS LICENSING ACT 2004 (AMENDMENT) BILL</b></p> <p>The first reading of this Bill was on 10 June.</p>
13 JUNE	<p><b>HUMAN RIGHTS INQUIRY</b></p> <p>The final report of the Equality and Human Rights Commission: Human Rights Inquiry was published.</p>
16 JUNE	<p><b>STATUTORY REDUNDANCY</b></p> <p>A Private Member's Bill which was intended to increase the amount of money employees are entitled to under statutory redundancy pay terms was withdrawn at Committee stage.</p>
19 JUNE	<p><b>PARENTAL LEAVE</b></p> <p>The EU social partners concluded a Framework Agreement to increase the period of parental leave from three to four months.</p>
22 JUNE	<p><b>PREGNANT WORKERS DIRECTIVE</b></p> <p>Government consultation on the proposals to amend the Pregnant Workers Directive to increase the minimum period of maternity leave to 18 weeks and the compulsory maternity leave period to six weeks closed on 22 June 2009. This follows the European Parliament's Womens Rights and Gender Equality Committee's vote to further extend the period of maternity leave to 20 weeks on 16 April 2009. It is unlikely that this will be implemented until at least 2011.</p>
1 AUGUST	<p><b>WORKING TIME (AMENDMENT) REGULATIONS</b></p> <p>The average weekly working time limits for doctors in training reduced to 48 hours.</p>
12 AUGUST	<p><b>NEW FINANCIAL SERVICES AUTHORITY CODE</b></p> <p>The FSA introduced a new code that will require large banks, building societies and broker dealers in the UK to establish, implement and maintain remuneration policies consistent with effective risk management.</p>
19 AUGUST	<p><b>SICK NOTES</b></p> <p>Consultation closed on the Government's proposed changes to sick notes, which looked at fitness to work rather than just incapacity.</p>

25 SEPTEMBER	<p><b>PARENTAL LEAVE</b></p> <p>The European Commission adopted a Framework Directive on parental leave. If this Directive is approved by the Council of Ministers, it would increase parental leave rights by increasing parental leave from three to four months and by extending parental leave rights to “workers”.</p>
1 OCTOBER	<p><b>NATIONAL MINIMUM WAGE RATE</b></p> <p>National minimum wage rates increased on 1 October as follows:</p> <ul style="list-style-type: none"> <li>• Standard (adult) rate: £5.80 (rising from £5.73);</li> <li>• Development rate: £4.83 (rising from £4.77);</li> <li>• Young workers rate: £3.57 (rising from £3.53).</li> </ul>
1 OCTOBER	<p><b>NATIONAL MINIMUM WAGE AND TIPS</b></p> <p>Using tips, gratuities and cover charges to make up payment of the national minimum wage is prohibited as of 1 October.</p>
1 OCTOBER	<p><b>WORK AND FAMILIES (INCREASE OF MAXIMUM AMOUNT) ORDER</b></p> <p>This Order increases the maximum limit of a week’s pay for unfair dismissal and redundancy pay calculation purposes from £350 to £380.</p>
12 OCTOBER	<p><b>SAFEGUARDING VULNERABLE GROUPS ACT</b></p> <p>The Act establishes 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 was postponed until October 2009.</p>
12 OCTOBER	<p><b>EMPLOYMENT STATUS IN CONSTRUCTION</b></p> <p>HM Treasury and HMRC’s consultation on false self employment in construction: taxation of workers closed.</p>
16 OCTOBER	<p><b>EQUALITY AND DIVERSITY (REFORM) BILL</b></p> <p>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.</p>
16 OCTOBER	<p><b>EMPLOYMENT OPPORTUNITIES BILL</b></p> <p>The second reading of this Private Member’s Bill, which would allow parties to opt out of the national minimum wage, and would allow asylum seekers to take paid work pending the determination of their claims.</p>
16 OCTOBER	<p><b>INSOLVENCY</b></p> <p>The second reading of the Insolvency (Provision of Information to Employment Agencies) Bill, which obliges insolvency practitioners of companies in administration to inform Jobcentre Plus where more than 20 redundancies are involved as soon as possible before the company goes into liquidation, so that Jobcentre Plus can assist employees through the redundancy process.</p>
16 OCTOBER	<p><b>GANGMASTERS LICENSING ACT 2004 (AMENDMENT) BILL</b></p> <p>The second reading of this Bill was scheduled. If it becomes law it will extend the licensing of gangmasters to the construction industry.</p>

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.

IN 2011

3 APRIL

#### EXTENSION OF MATERNITY, PATERNITY AND ADOPTION RIGHTS

Paid maternity leave is proposed to be extended from nine 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 their SMP when they return to work.

5 JUNE

#### EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION ON PROPOSED EUROPEAN WORKS COUNCIL DIRECTIVE

On 16 May 2009 the recast European Works Council Directive was published in the Official Journal of the European Union. Member States have until 5 June 2011 to give effect to the recast Directive and the current European Works Council Directive will be repealed with effect from 6 June 2011.

5 DECEMBER

#### TEMPORARY AGENCY WORKERS

Member states have until 5 December 2011 to implement the Council Directive on Temporary Agency Workers, which 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 sooner, 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.

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