

## **Employment Law Updates**

### **Agency Workers Regulations**

The Regulations apply to agency workers who are assigned to do temporary work for hirers through temporary work agencies. All agency workers will be entitled to collective amenities and facilities and have a right to access employment- i.e. information about job vacancies. After 12 weeks, agency workers would be entitled to the same basic working and employment conditions, as other employees.

In force: 1 October 2011

### **Default Retirement Age**

Under the new rules, compulsory retirement at a set age may constitute age discrimination and unfair dismissal unless the employer can justify the retirement age, its relevance and a fair procedure.

Abolished: 1 October 2011

### **National Minimum Wage Increases**

21 +- from £5.93 to £6.08

18 – 21 year olds from £4.92 to £4.98

16 – 17 year olds from £3.64 to £3.68 and for apprentices from £2.50 to £2.60

### **Employment Tribunals Statistics**

Statistics for the Employment Tribunal and Employment Appeal Tribunal claims in the period of 1 April 2010 to 31 March 2011 show there were 218,000 claims received, which represents a 8% decrease in the previous year but a 44% increase on claims received in 2008/2009.

The average award for unfair dismissal was £8,924, £8,515 for discrimination, £14,137 for disability discrimination and £30,289 for age discrimination.

## **Proposed Changes for 2012..**

The Coalition Government have made a number of proposals:

- Increasing the qualifying period of employment before an individual can claim unfair dismissal- from 1 year to 2 years. To take effect from 6 April 2012.
- Introduction of fees for pursuing Tribunal claims. The suggestion at present is that the level of fee will range from £100 to £250 to be paid by the employee when they lodge their claim and a further fee of £1000 when the claim is listed for a hearing.
- Protected conversations- allowing employers to have a frank discussions about performance without the fear that they will be used as evidence in the ET.
- Redundancy consultation to be reduced from 90 to 60, 45 or 30 days.
- A requirement for all claims to go through conciliation before reaching the employment tribunal.
- Efficient tribunal system- simple cases to be heard within three months.
- A review of employment tribunal rules of procedure to include changes to costs and deposit orders.
- Employment Judges to sit alone in unfair dismissal cases.
- CRB checks to be portable, so no need for a fresh application when moving jobs
- Maternity and paternity leave to be 'modernised', with emphasis on greater involvement for fathers.