

PORTSMOUTH CITY COUNCIL EMPLOYMENT COMMITTEE: 8 JUNE 2012
EMPLOYMENT UPDATES

Employment Tribunal Reform- 6 April 2012

- **Unfair dismissal:** Employees who started work on or after 6 April 2012 need to accrue two years' continuous employment before attaining the right to bring a claim for unfair dismissal, or to request a written statement of reasons for dismissal. Those employees who commenced work before 6 April 2012 will be unaffected
 - An employment judge will sit alone (unless they direct otherwise) to hear unfair dismissal cases
- **Deposit orders:** The maximum deposit a tribunal can order a party to pay if their claim has little reasonable prospect of success increased from £500 to £1,000
- **Costs awards:** The maximum amount of costs an employment tribunal can award increased from £10,000 to £20,000
- **Witness statements:** Where witness statements are used, they will stand as evidence in chief and be taken as read at the hearing, unless an employment judge or tribunal directs otherwise
- **Witness expenses:** State funded witness expenses have been withdrawn. Tribunals have the powers to direct parties to bear the expenses of any witness
- The maximum limit on a week's pay increased from £400 to £430 and the maximum unfair dismissal compensatory award increased from £68,400 to £72,300 for dismissals taking effect on or after 1 February 2012

Case Law

- On 4 September 2012 the European Court of Human Rights is due to hear the combined appeals of Ladele and McFarlane v the United Kingdom [2011] ECHR

737and Eweida and Chaplin v the United Kingdom [2011] ECHR 738. The Court will consider whether the right to manifest religion or belief, as protected by Article 9 of the European Convention on Human Rights, was breached when Ms Ladele was disciplined for refusing to carry out civil partnership ceremonies and Mr McFarlane was dismissed for refusing to provide counselling to same-sex couples. Ms Eweida and Ms Chaplin were restricted from visibly wearing a cross or crucifix at work

Forthcoming Changes

Olympics 2012: suspension of Sunday trading hours restrictions

- The Sunday Trading (London Olympic Games and Paralympic Games) Act 2012- suspends restrictions on Sunday trading hours for eight weeks from 22 July to the end of the Paralympic Games on 9 September 2012

New national minimum wage rates: 1 October 2012

- The standard adult rate (workers aged 21 and over) will rise to £6.19 per hour
- The development rate (workers aged between 18 and 20) will remain at £4.98 per hour
- The young workers rate (workers aged under 18 but above the compulsory school age who are not apprentices) will remain at £3.68 per hour

Auto-enrolment, new employer pension duties: 1 October 2012

- Require all employers to automatically enrol eligible jobholders into a pension scheme. The new duties will be formally implemented over four years starting on 1 October 2012