

KEEP ON TOP

OF THE CHANGES TO EMPLOYMENT LEGISLATION

Find out the new regulations coming into force this February to April



Also in this edition:

Enterprise and Regulatory Reform Bill 2012-13

Pre-Claim Conciliation

Financial Penalties for employers



New employment regulations come into force starting this February. Here's a brief overview of them to keep you on top...

1 Came into force in **February** 2013?

Two key changes to be aware of;

- The limit on the compensatory award for “ordinary” unfair dismissal will increase from **£72,300** to **£74,200**

- The maximum amount of a week's pay for the purposes of calculating statutory redundancy payments and the basic award in unfair dismissal claims will increase from **£430.00** to **£450.00**.

Both of these new limits will apply to dismissals which take place on or after 1st February 2013.

2 Came into force in **March** 2013?

- The permitted period of parental leave following the birth or adoption of a child increases from **three** to **four months**, and at least one of the four months will not be transferable between parents
- Parents returning to work after parental leave will be given the opportunity to request (but not insist on) a **change to their working conditions** (e.g hours).

3 Coming into force in **April** 2013?

- Increased benefit rates for 2013/14
- SMP, SAP, OSPP and ASPP will increase from **£135.45** to **£136.78** (from 07/04/13)
- SSP will increase from **£85.85** to **£86.70** (from 06/04/13).



Our guide to the proposed legislation

Enterprise & Regulatory Reform Bill 2012-13

(Committee Stage,
House of Lords –
09/01/13)

Pre-claim conciliation:

Prospective claimants will be required to contact Acas before they can bring certain types of claim, in an attempt to avoid matters getting as far as formal Tribunal proceedings. Claimants will have to obtain written confirmation from Acas that pre-claim conciliation (which is currently discretionary) has not been successful before being allowed to bring a claim. The limitation period for bringing claims will be extended to allow for the conciliation period. The Government plans to introduce the new system in 2014.

Financial penalties for employers:

Employers found to have breached a claimant's employment rights may face a financial penalty if a Tribunal concludes that their behaviour in committing the breach had one or more "aggravating features". The latter could arise, for example, where the action was deliberate or committed with malice, the employer was an organisation with a dedicated human resources team, or where the employer had repeatedly breached the employment right concerned". Any financial penalty imposed will be set at 50% of the claimant's financial award, but not less than £100 or more than £5,000. This will be in addition to any damages awarded to the claimant, and would be payable to the Government. There will however be a 50% discount if the employer pays within 21 days of receiving written notice of the Tribunal's decision.

“Financial penalties will be set at 50% of the claimant's financial award.” Alison Bridge

Compromise agreements will be re-named "settlement agreements".

Legal Officers

Legal Officers will have the power to deal with certain types of simple or low value claims (as yet unknown), provided all the parties consent. The Government is to consult on its proposals later in the year as part of the proposed Rapid Resolution Scheme. As a general rule, proceedings before the Employment Appeal Tribunal will be heard by a Judge sitting alone (i.e. without lay members).



Take a peak at a downloadable eBook

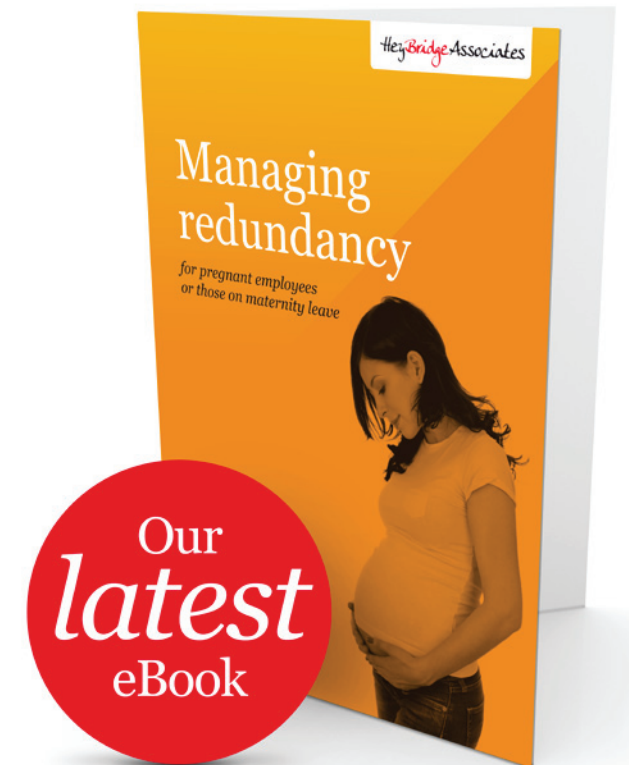
Across all industry regardless of the sector, compliance with employment legislation is vital in order to be an employer of choice alongside ensuring your business avoids unnecessary risk in relation to people management. Our free e-books cover a varied range of subjects in a concise way, proving to be a time saving, straight talking guide for Managers when dealing with issues.

Managing redundancy for pregnant employees and those on maternity leave

This e-book is packed with practical tips, tools and resources that will help to ensure any queries raised around this subject are dealt with in the correct manner. It is constructed in a way that is clear to understand in bite size chunks of information which are easily digested.

“This is a download must for any Manager who is faced with dealing with this complex situation.”

Deborah Hey



W www.heybridgeassociates.co.uk
E deborah.hey@heybridgeassociates.co.uk
alison.bridge@heybridgeassociates.co.uk

