

UPDATES FOR EQUALITIES TOOLKIT

Employment Bill 2007-2008

The overall effect of the Employment Bill is to strengthen and clarify key aspects of employment law. It was introduced and had its first reading on 6 December 2007 with the aim of receiving Royal Assent by summer 2008.

The Employment Bill will:

Improve the effectiveness of employment law to the benefit of employers, trade unions, individuals and the public sector.

Bring together both elements of the Government's employment relations strategy: increasing protection for vulnerable workers and lightening the load for law-abiding business.

Promote compliance and help to ensure a level playing field for law-abiding businesses.

The Bill includes provisions on the following policy areas:

Dispute resolution: makes changes to the law relating to dispute resolution in the workplace. In particular, the Bill repeals the existing statutory dispute resolution procedures and related provisions about procedural unfairness in dismissal cases; confers on employment tribunals discretionary powers to amend awards if parties have failed to comply with a relevant statutory code; makes changes to the law relating to conciliation by Acas; amends tribunals' powers by which they may reach a determination without a hearing; and allows tribunals to award compensation.

<http://www.berr.gov.uk/employment/employment-legislation/employment-bill/index.html>

Holiday Entitlement

The statutory holiday entitlement has changed. The holiday entitlement has increased to 4.8 weeks (24 days if you work a five day week) from 1 October 2007 and to 5.6 weeks (28 days if you work a five day week) from 1 April 2009, pro-rata for those working part-time. The holiday entitlement is inclusive of bank holidays. If you already receive paid time off for bank holidays in addition to your four week holiday entitlement your holiday entitlement has not increased.

An easy to use tool to help calculate the new leave allowance is available at <http://www.berr.gov.uk/employment/holidays/page40455.html>

Also a Frequently Asked Questions and templates for employers to inform staff of the increase are available at.

<http://www.berr.gov.uk/employment/holidays/faq/index.html>

Guidance for employers on how to implement the increase is also available on the Business Link web-site.

<http://www.berr.gov.uk/employment/holidays/page41004.html>

Pay

All workers in the UK are entitled to be paid at least the national minimum wage.

The minimum wage applies to:

- all workers over school leaving age
- overseas workers even if they are only in the UK for a short time
- agency workers and home workers who may not otherwise qualify as 'workers' in employment legislation
- Crown employees
- staff of the House of Commons and House of Lords
- mariners
- agricultural workers already covered by the agricultural minimum wage

It does not apply to:

- the genuinely self-employed, office holders, directors (unless they have an employment contract)
- school children below school leaving age
- the armed forces
- share fishermen
- voluntary workers
- prisoners working under prison rules

| Adult Rate (for workers aged 22+) | | Development Rate (for workers aged 18-21) | | 16-17 Year Olds Rate* | |
|---|-------|---|-------|------------------------------|-------|
| 1 Apr 1999 | £3.60 | 1 Apr 1999 | £3.00 | - | - |
| 1 Oct 2000 | £3.70 | 1 Oct 2000 | £3.20 | - | - |
| 1 Oct 2001 | £4.10 | 1 Oct 2001 | £3.50 | - | - |
| 1 Oct 2002 | £4.20 | 1 Oct 2002 | £3.60 | - | - |
| 1 Oct 2003 | £4.50 | 1 Oct 2003 | £3.80 | - | - |
| 1 Oct 2004 | £4.85 | 1 Oct 2004 | £4.10 | 1 Oct 2004 | £3.00 |
| 1 Oct 2005 | £5.05 | 1 Oct 2005 | £4.25 | 1 Oct 2005 | £3.00 |
| 1 Oct 2006 | £5.35 | 1 Oct 2006 | £4.45 | 1 Oct 2006 | £3.30 |
| 1 Oct 2007 | £5.52 | 1 Oct 2007 | £4.60 | 1 Oct 2007 | £3.40 |
| 1 Oct 2008 | £5.73 | 1 Oct 2008 | £4.77 | 1 Oct 2008 | £3.53 |

For more info go to www.lowpay.gov.uk

The Work and Families Bill

Existing Regulations for maternity and adoption leave and pay have been amended to enable employees whose expected date of childbirth is on or after **1st April 2007**, or who plan to adopt a child on or after this date, to benefit from these new entitlements.

If any of your employees fall into this category, the following applies:

- Statutory Maternity Pay (SMP) and Statutory Adoption pay (SAP) has been extended from six to nine months (39 weeks). This is the first step towards the goal of a year's paid leave by the end of this parliament;
- As an employer, you are able to start SMP from any day of the week to coincide with the start of the maternity leave. Existing legislation already permits this of the payment of SAP. You are also able to make the payments on a daily (rather than weekly) basis;
- Employees who qualify for ordinary maternity leave also qualify for the additional maternity leave;
- Employees on maternity or adoption leave are allowed up to ten 'keeping in touch' days during their paid leave, when they can work or undergo training without losing their right to statutory payments or bringing their leave period to an end;
- As an employer, you are allowed a reasonable amount of contact with your employees during periods of adoption or maternity leave;
- If an employee wishes to return early from maternity or adoption leave, he/she is required to give you (the employer) eight weeks notice;
- If you (the employer) wish to delay an employee's return date) because the employee has failed to comply with the notification requirements), the maximum time period for the delay is eight weeks.

If, after notifying you (the employer) of an early return date, the employee changes his/her mind and decides to return on an earlier date, he/she must give you (the employer) eight weeks' notice of the new return date.

If he/she wants to return later than the originally notified date, he/she must notify you (the employer) eight weeks before the original date;

- Employees returning to work after a period of maternity or adoption leave have the right to return to the same or similar job, regardless of the size of

the organisation. The small employers' exemption from this requirement has been removed.

Complying with the new legislation

So what do you have to do to make sure your business complies?

The amended Regulations affects the entitlement of employees whose expected date of childbirth is on or after **1st April 2007**, or who plan to adopt a child on or after this date. Employees who became pregnant during June 2006 are likely to fall into this category.

To make sure you and your business are protected, you need to:

- Review and amend all your policies in relation to maternity and adoption rights, so that employees who qualify are aware in advance of their new entitlements.
- In many companies these entitlements are set out in a handbook or an information sheet. Where such entitlements are contractual, they are set out in the contract of the employment. All such documents should be reviewed and amended in line with the amended Regulations;
- Communities change to statutory entitlements to all employees, not just those who are known to be pregnant or who plan to adopt children;
- Discuss contractual changes with your individual employee and confirm by an amendment to the employee's contract of employment;
- Change the way payments are made to reflect the alignment of SMP with the start of the maternity leave period;
- Make sure that those responsible for payroll are aware of the amended regulations and implementation date. This date coincides with the annual increase in SP and SAP.

The Trade Union & Labour Relations (Consolidation) Act has been amended, making it clear that in cases of collective redundancies, notification to the Secretary of State should take place before anyone is given notice of dismissal.

GYPSIES AND TRAVELLERS

Gypsies and Irish travellers are identified as having distinct identity. They are therefore covered by the Race Relations Act 1976. This makes it illegal to discriminate against them in the provision of goods and services

All the evidence shows that **Gypsies and Travellers are some of the most vulnerable and marginalised groups in Britain.** 'No Travellers' signs in pubs and shops can still be seen today and local councils no longer have a legal duty to provide sites for gypsies and travellers to live. Instead huge sums are spent each year on evicting them. **Health standards and achievement in school are both very low for both groups and they often face hostility from local residents and media scare stories which fuel prejudice and racism.**

Gypsies and Irish Travellers are both legally recognised as distinct ethnic groups and have the protection of the law which comes from that. The Race Relations Act 1976 identifies each as having a shared culture, language and beliefs. 'Gypsy' is thought to derive from Egyptian which was mistakenly thought to be their identity by settled people. The Roma are recorded in Greece around 1000AD while Irish Travellers have been a distinct group since about 400AD.

Gypsy and Travellers Law is the first legal book to bring together the areas of law affecting the travelling community. It balances straightforward, practical advice with comprehensive coverage of the statutes, regulations, guidance, circulars and a rapidly developing body of case-law.

This is the key reference work for lawyers and advisers working with Gypsies and Travellers and an essential guide for local authorities on their duties to the travelling community and the social and legal implications of failure to fulfill these obligations. *Gypsy and Traveller Law* also aims to empower Gypsies and Travellers to secure their rights and challenge injustice

Other useful materials

Age discrimination factsheets, published by: DTI

<http://digbig.com/4hwwh> or www.dti.gov.uk

Making Equality Simple, NCVO www.ncvo-vol.org.uk

Anti discrimination training pack, £25 (plus £p&p). Published by: Peak District Rural Deprivation Forum www.pfrdf.org

Islamophobia: A Challenge to us all. Central Books Ltd. Tel 0845 4589911. www.centralbooks.co.uk

www.equalityhumanrights.com

www.cipd.co.uk