



## HOLIDAY PAY AND LONG TERM SICK

It seems that the goal posts have moved again in the latest case of *Pereda v Madrid Movilidad SA*. The European Court of Justice (ECJ) has issued another ruling and it has decided that a worker who is absent on sick leave, should be able to reschedule their holiday for another time; in the same holiday year or carrying it forward into another leave year.

In effect what this means is that the employee can choose when they take their leave. They could take it whilst they are off sick or postpone it until they are able to take it, even if this means it is in a new year.

Currently this conflicts with the Working Time Directive. The WTD does not allow workers to carry over any statutory holiday from one year to the next. So at this moment, workers should be allowed to carry over their statutory accrued holiday if they have been unable to use it due to sickness absence. Watch this space!



### HUMAN RESOURCES - SUPPORTING YOUR BUSINESS

**Holiday pay and long term sick**

**Retirement**

**Additional paternity leave and pay**

**ID cards for right to work in the UK**

**Right to request time off for training**

**Medical evidence and sick note changes**

**Pensions act 2007**

**Non work related traffic by Systematic Business Solutions**





## RETIREMENT

The case of R v Secretary of State for Business Innovation and Skills and others (the Heyday case) has been very much in the public eye, whereby Age UK challenged the lawfulness of the UK's retirement age which is set out in the Employment Equality (Age) Regulations 2006.

Cut a long story short and some ECJ (European Court of Justice) and High Court appearances later.... The High Court ruled that when the Default Retirement Age was introduced back in 2006, it was a proportionate means of achieving legitimate social policy aims. In other words, it is not unlawful for an employer to force an employee to retire at 65. This being said, it is essential that the statutory retirement procedure is followed.

Bear in mind that, although the retirement age is currently 65, many experts do not believe that this default age will survive for much longer. Expect the retirement age to increase to maybe 68 or 70.



## ADDITIONAL PATERNITY LEAVE

It was announced in September this year that the Government intends to go ahead with plans to allow fathers to benefit from up to six months of additional paternity leave, if the mother returns to work before using her full entitlement. This legislation is anticipated to be implemented in April 2010, and the new rights to take effect on or after 3 April 2011.

Currently employees with 26 or more weeks service by the end of the 15th week before the expected week of childbirth, has the right to take one or two consecutive weeks' paternity leave. This must be taken within 56 days of the date of childbirth.

This new right will allow fathers to share the leave, so long as they have the required service. The first six months will be preserved for the mother to take maternity leave and then, if she decides to finish maternity without taking the full entitlement, the father can take over for the remainder.

The only exception to this will be where the mother dies during the first year of the child's life. The date in these circumstances can then transfer to the father earlier. In this case, additional paternity leave can last up to 52 weeks, ending no later than the child's first birthday.

He will be paid at the same rate of standard maternity pay or maternity allowance or 90% of the father's earnings if this is less than the standard rate.

## ID CARDS FOR RIGHT TO WORK IN THE UK

As outlined in the schedule of immigration, (Restrictions on Employment Order 2007), ID cards have been added to the list of documents that employers can accept as evidence of the right to work in the UK. This came into effect as of 24th November 2009.

This provides employers with an excuse from civil penalty should the individual not have a right to work in the UK. Employers must ensure that both sides of the card have been copied for retention purposes.





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## RIGHT TO REQUEST TIME OFF FOR TRAINING

As of April 2010, the Government intends to introduce the right for employees in organisations with more than 250 employees, to request training. Employees must have been employed for at least 26 weeks to take advantage of this.

Training must be appropriate and with a view to help them be more productive and effective at work and also to help their employer to improve productivity and business performance.

Employers will be expected to consider seriously requests that they receive, but will be able to refuse where there is a good business reason for doing so. There will be no obligation on the employer to fund a request, employees may however be entitled to Government funding.



## MEDICAL EVIDENCE AND SICK NOTE CHANGES

As of April 2009 the Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) Amendment Regulations 2010 come into force and the current 'sick note' will be replaced with a 'fit note' system.

This will mean that the format of the medical statement is amended to not only record if the employee is 'fit' or 'unfit' to be at work, but also to indicate if the employee would 'be fit for some work now'.

The current hand written forms will be replaced by statements that will be printed by the Practice's computer systems.



## PENSIONS ACT 2007

The number of years' contribution required to achieve a full state pension, for both men and women, will reduce to 30 years as of 6th April 2010.



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## NON WORK RELATED INTERNET TRAFFIC BY SYSTEMATIC BUSINESS SOLUTIONS

Research by IDC shows that up to 40% of employee Internet access is non-work related.

As an I.T. support company with clients throughout the Home Counties Systematic is well aware of the impact this widespread abuse of company time has on productivity. The first rule for any organization is to have an "Internet Usage Policy" which enables employees to have a clear understanding of what is and what isn't permitted. Once this is established companies may still want to introduce controls to ensure that the policy is adhered to

Systematic is pleased to introduce **GFI WebMonitor™ 2009**, a web security, web monitoring and Internet access control solution that helps increase employee productivity. GFI WebMonitor gives administrators control over what users are browsing and downloading in real-time. It can be installed on most Microsoft Windows Server/Workstation operating systems or as a Microsoft ISA Server plug-in.

With GFI WebMonitor, you can:

- ▶ Increase productivity by managing employees' web browsing habits
- ▶ Reduce cyberslacking – time wasted by employees online on adult, social networking (Facebook, MySpace), online gaming, personal email, travel and other non-work-related sites. **GFI WebMonitor provides URL coverage for over 205,000,000 domains!**
- ▶ Protect the network from dangerous downloads in real-time
- ▶ Benefit from multiple virus scanning engines to ensure that downloads are free of viruses and other malware
- ▶ Prevent data leakage through socially-engineered websites.

**Until 31st December GFI is offering a 30% discount off the price of GFI WebMonitor™ 2009. For more information contact: Allan Beadle on 01799 544 111 or email [sales@sysuk.co.uk](mailto:sales@sysuk.co.uk)**

Over the last couple of years the number of cases reaching Tribunal has hugely increased, it is thought to be by more than 50%. Many of you may have experienced this for yourselves, the increases being driven by disputes about equal pay, unfair dismissal, age, sex, race and disability discrimination.

With this being high on the agenda, we are able to offer our clients with not only hands on consultancy but also, an insured/legal expenses cover of up to £75,000 per claim.

**For further information please contact Michelle Brinklow at BBi Alternative Solutions:**

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