



WORK AND FAMILIES LEGISLATION.

The first stage of the government's plan to make maternity leave more helpful to new mums affects women who gave birth from the beginning of April onwards.

Every woman is entitled to up to 52 weeks' maternity leave regardless of how long she has worked for her employer, or for how many hours she works a week.

The total 52 weeks is still divided into 26 weeks' ordinary leave followed by 26 weeks' additional leave - important because there are different contractual rights attached to each period of leave.

A woman, who has been continuously employed for up to 26 weeks by the beginning of her 15th week before the baby is expected, and who has average weekly earnings at least equal to the lower earnings limit for NICs in the 15th week, is entitled to 39 weeks' **Statutory Maternity Pay (SMP)**.

SMP can start on any day of the week and can be paid at a daily rate (1/7th of the weekly rate) to help employers better align SMP payments with normal paydays.

A woman will be able to come into work, and receive contractual pay, for up to 10 'keeping in touch days' during her maternity leave without losing entitlement to either leave or SMP.

If a woman wants to return to work early she must give her employer eight weeks' (56 days') notice.

The critical 'date' for the above changes is the date the baby is expected. Where a baby is due before 1 April, but born on or after that date, the changes do not apply. If a baby is due after 31 March but is born before 1 April, the changes apply. Therefore, employers may well have two statutory maternity leave

and SMP schemes running in tandem. The increase to 39 weeks' SMP is part of an eventual extension to 52 weeks. There have been rumours that this could be as early as April 2008, but ministers have ruled out such an early start. From whenever the maternity pay period is increased to 52 weeks will also be the start of employees' entitlement to up to 26 weeks' additional paternity leave when their spouse or partner returns to work with weeks of SMP still due.

SMP PAYDAYS

Previously, unless forced to start maternity leave due to pregnancy-related absence from work or the birth of the baby a woman's SMP could only start being paid from a Sunday date. This is no longer the case.

ADOPTION LEAVE AND PAY

Similar changes to those outlined above for maternity leave and pay affect those employees who adopt a child. In this case, these employees get the benefit of the increased 39-week adoption pay period and the up to 10 KIT days, as long as the child is placed for adoption on or after 1 April 2007. 'Placed' means the child officially starts living with their adoptive parent(s).

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HOLIDAYS

The minimum holiday entitlement for full time workers (5 days a week) will increase from 20 days to 28 days a year under the Working Time Directive 1998. This will mean that employers who currently include the eight UK bank holidays in their staff's 20-day annual leave will now have to add them on, to give a total of 28 days.

This will be introduced in two stages, on 1st October this year, it will increase from 20 to 24 days and next year on 1st October it will increase again from 24 to 28 days. Part time workers see their holiday entitlement increase proportionately.

FLEXIBLE WORKING EXTENDED...

The right to request flexible working is extended to carers of adults as of 6th April 2007.

TRIBUNAL LIMITS

From February 2007, the compensatory tribunal awards for unfair dismissal increased from £58,400 to £60,600.

From February 2007, the compensatory tribunal awards for unfair dismissal increased from £58,400 to £60,600. A weeks pay for basic awards, redundancy payments goes up from £290 to £310. The total maximum statutory redundancy payment is therefore £9300, and the total maximum unfair dismissal award in most cases is £69,900 (some types of unfair dismissal eg, pregnancy related, health and safety or whistleblowing remaining unlimited).



WHY HEALTH AND SAFETY TRAINING IS IMPORTANT TO COMPANIES

So why is Health & Safety Training Important to your Company, It can effectively reduce your costs due to days lost through sickness and injury, employees will be aware of their duties and those of their employer with regard to Health & Safety Law.

Statistic's show that at the least, the cost per annum work days that are lost due to Manual Handling injuries is at least, 2 million and that on average every worker will loose 30 working days during their working life just through poor lifting techniques alone.

Health & Safety Training allows not only employees but also managers and supervisors to understand the hazards and risks that can be associated with their job and any medical consequences that they may encounter through carrying out that job, training will also show how the company procedures are implemented so employees will not only learn how to reduce the risks to themselves but also others around them and thus reduce the cost of work days lost through illness and injury.

Employees will be taught to understand that although they may have carried out their work the same way for years, their Employer has a duty under the Management of Health & Safety at Work Regulations 1999 to ensure that Employees receive information, instruction, training & supervision and

that they, as employees, also have a duty under the Health & Safety at Work Act 1977 to co-operate with their Employers under Health & Safety Law.

Unless Employers are prepared for their Employees to be given the correct Health & Safety Training, the underlying cost to the company for compensation due to ill health and occupational injuries will be far greater than the cost of their Employee Health & Safety Training.



MINIMUM WAGE

Employers who pay staff below the national minimum wage will be consistently fined.

Fines amounting to approximately £207 a week for each full-time employee will be levied if minimum wage arrears have not been paid within seven days of receipt of the enforcement notice.



INFORMATION & CONSULTATION

On 6th April 2007, the I&C of employees regs 2004 were extended to employers with a workforce of 100 or more.



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IN THE COURTS

The European Court of Justice (ECJ) has delivered its long awaited judgement in *Cadman v Health and Safety Executive* (case C-17/05).

The ECJ held that employers do not need to provide specific justification for using length of service as a criterion in a pay system even where this results in a disparity in pay between men and women employed in equal work or work of equal value. Employers can, as a general rule, rely on length of service to attain the legitimate objective of rewarding experience. Specific justification will only be required if a worker can provide evidence raising serious concern as to if it is appropriate to reward experience in this way.

DISABILITY

The court of appeal has rejected a claim that an employer had failed to make reasonable adjustment under the Disability Discrimination Act 1995.

An employee working for NTL had a disability which meant that she could only work part time was made redundant and then given the opportunity to apply for another job as being a suitable alternative job.

The new job was advertised as full-time but she was told that, if she was appointed it might be changed to a part time post.

The employee refused to apply unless the job was converted to a part time post and then claimed that her employer had failed to make reasonable adjustments.

The Court of Appeal found that until the employee actually applied for the post the employer was under no obligation to make reasonable adjustments. This is helpful otherwise people who hadn't even applied for a position would then be able to claim discrimination.



FOR MORE INFORMATION ON ANY ITEMS DISCUSSED IN THIS NEWSLETTER PLEASE CONTACT MICHELLE BRINKLOW TODAY ON:

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