

Newsletter – March 2010



Welcome to the March edition of the ELiAction newsletter for 2010, providing you with useful information regarding changes to employment legislation and best practice.

Equality Bill

The Equality Bill is on track to receive Royal Assent in October this year as it completed its Third Reading in the House of Lords on 23 March 2010. The Bill will now return to the House of Commons for the Lords' amendments to be considered. The most significant amendments include:

- A new restriction on asking applicants health questions before offering them employment
- A new power for the government to amend the definition of "race" to include "caste".

In brief the Bill will harmonise and in some cases extend existing discrimination law covering the 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. In addition the Bill will address the impact of recent case law which is generally seen as having weakened discrimination protection, and harmonise provisions defining indirect discrimination.

When the Bill is finally approved we will let you know about the impact that this may have on your working practices and procedures.

Bribery Bill

The Bribery Bill will make it illegal for Companies to benefit from bribes, it will also mean that Companies must prevent bribery from their employees. Companies must have robust procedures in place to ensure that employees do not accept or attempt bribes. Companies who are found to be in breach of the Bill will face heavy fines and individuals who commit an act of bribery could face up to 10 years in prison. At the moment the Bribery Bill is working its way through committee, we are unsure as to when it is going to be introduced although it is likely to be in 2010. Further information can be found by following the link below:

<http://www.justice.gov.uk/publications/bribery-bill.htm>

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Rates of statutory payments

From April 2010, the rates of statutory maternity pay, adoption pay and paternity pay will rise from £123.06 to £124.88 per week. However, statutory sick pay rates will remain unchanged at £79.15 per week

Right to request time off for training

From 6 April 2010, approximately 11 million employees in Great Britain will have a new right to request 'time to train'. This will be extended to cover employees in all businesses from 6 April 2011.

Employees' requests can be to undertake accredited programmes leading to a qualification, or for unaccredited training to help them develop specific skills relevant to their job, workplace or business. While employees requests may involve agreeing time away from their duties, the primary focus of the new right is about agreeing relevant training with your staff.

As an employer, you are required to consider any requests and respond within a set timeframe. You can turn down requests when you have a good business reason to do so, including where you do not believe the training will help improve business performance. The new right closely follows the model used for agreeing requests under the flexible working arrangements.

Fit notes

With effect from 6 April 2010 the new Regulations which replace the current sick note scheme with a 'Statement of Fitness for Work' will come into force. The aim of the Regulations is to help support more people with health conditions to work.

- The Statement will have two options for the doctor to consider in respect of the employee:
 - whether the employee is *'unfit for work'* or
 - whether the employee *'may be fit for some work taking account of the following advice'*. This allows the doctor to make comments on the 'functional effects' of the patient's health condition and lists some common

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changes which the doctor may suggest such as 'altered hours' and 'phased return to work'.

The second option raises the obvious concern that doctors will be telling businesses what to do. However the Government's guidance makes it very clear that comments and suggestions made by the doctor must be based on the patient's health condition and not job-specific; and that it is for the employer, in consultation with their employee, to decide whether they can accommodate any changes to facilitate a return to work.



If you would like assistance in updating your policies, would like advice on any employment issues, or would like to discuss any other HR and legal requirements please contact Employment Law in Action Limited on 01494 817193 or email info@ELiAction.com.

In giving comment and advice in the newsletter, we do not assume legal responsibility for the accuracy of any particular statement. If you have specific views which you wish to discuss we would be pleased to assist you.