



New employment legislation takes effect

A number of changes to employment law came into force on 6 April 2009, the first of the two yearly common commencement dates. The most notable change is the repeal of the statutory dispute resolution procedures, to be replaced by the Acas Code of Practice on discipline and grievance. Please see our March bulletin for full details.

Other changes include:

The right to request flexible working is extended to employees with children up to the age of 16. This follows the recommendations of the *Walsh Review*. An eligible employee may request: a change to the hours they work; a change to the times when they are required to work; and to work from a different location (for example, from home).

A worker is now entitled to arrears of National Minimum Wage calculated on the higher of either the arrears calculated:

- in accordance with the existing legislation;
- by reference to the NMW rate applicable at the time the arrears are determined.

Enforcement officers of the NMW and the employment agency standards are permitted to share information for the purpose of their respective enforcement functions.

Employers who fail to pay employment tribunal awards in England and Wales will be added to the Register of Judgments, Orders and Fines once enforcement proceedings are brought against them in the county court. The Register can be searched by members of the public and credit reference agencies.

Statutory sick pay is increased to £79.15 and statutory maternity, paternity and adoption pay to £123.06

There is a requirement for quoted companies to disclose details of directors' remuneration. This information should include how pay and employment conditions of employees were taken into account when determining directors' remuneration and applies in relation to financial years beginning on or after 6 April 2009.

Following on from the European Court of Human Rights judgment in *Aslef v UK*, trade unions are permitted to expel members on the basis of their membership of a political party.

In addition to the changes coming into force on 6 April, the increase in statutory minimum paid holiday entitlement from 4.8 to 5.6 weeks (24 to 28 days for those working a five-day week) is effective as of 1 April 2009. This is intended to address the fact that there was no additional entitlement to public holidays and many employers were counting the eight public holidays (in England and Wales) against the annual leave entitlement.

Debenhams Ottaway can carry out Audits of all your Employment documentation to ensure compliance with current laws and best practice. We offer businesses a free review of contracts and policies as part of the Employer Protection Scheme. The Scheme fully protects your business against the financial exposure of an employment dispute for an agreed monthly or annual fee.

For further advice and information, please contact Louise Attrup on 01727 735 663 or via email on la@dolegal.co.uk

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