

EMPLOYMENT UPDATE

January 2008

Illegal workers

Measures set to come into effect in February 2008 will reform Britain's immigration controls. Lord Rooker, the Immigration Minister claimed that it was easier to work illegally in Britain "than in any other country in the EU" and that prosecutions of employers for using illegal workers were "virtually non-existent". He further promised that a series of "high profile prosecutions" of employers will send a message that it is no longer safe to work illegally in Britain.

Immigration 'hit squads' will concentrate on industries such as hotel and catering, construction and agriculture. Employers could face a maximum penalty of £10,000 for every illegal worker employed. If employers knowingly hire illegal workers they could face an unlimited fine and imprisonment. If you need information on how to check whether job applicants have the right to work in the UK, please contact Cope Safety Management Ltd.

Information & Consultation of Employees (ICE) Regulations

The regulations originally introduced in 2006 gave employees the right to be informed and consulted on a regular basis about the business they work for. Originally the regulations applied to employers with 150+ staff. However from April 2007 they were extended to employers with 100+ staff and from this April they will apply to employers with 50+ staff.

If your company employs 50 or more staff you would be wise to consider setting up a consultation forum ahead of any request that employees are entitled to make under this legislation. This will allow you greater flexibility as to the constitution of any committee and the terms of reference. The committee could also be used as a forum to discuss other issues such as health and safety, thus satisfying the HSE regulations for consultation with employees.

Employment Bill

The Employment Bill 2007-2008 had its second reading in January and repeals the statutory dispute resolution procedures which came into effect in 2004. The Bill will have to make its way through Parliament and it seems unlikely that it will come into effect before April 2009. Under new provisions ACAS will revise its Code of Practice on disciplinary and grievance procedures. The ACAS Code of Practice has always been very important, but under the new legislation where there is a breach of the code, a tribunal will have the option to either increase or decrease any award by up to 25%.

New statutory rates

From 6th April 2008, the rate of maternity, paternity and adoption pay increases from £112.75 per week to £117.18 per week.

From 6th April 2008, statutory sick pay will increase from £72.55 per week to £75.40 per week.

From 1st February 2008, the maximum amount of a weeks pay that can be taken into account when calculating a redundancy payment increases from £310 to £330.

For further information on these and other issues, please speak to one of our advisors, call our offices or visit our website (www.jwcope.co.uk).