

# **EMPLOYMENT UPDATE**

July 2008

## **Working Time Opt out**

The UK has retained its right to opt out from the Working Time Directive, but in a compromise European Ministers imposed a 60 hour per week cap for those who sign the opt out and revised conditions relating to the actual opt out agreement. These proposals now go to the European Parliament for consideration. The new rules are not likely to apply until 2012.

## **Employing illegal immigrants**

As reported in the April update, the Immigration, Asylum & Nationality Act 2006 updates the list of documents that an employer is required to examine and copy in order to establish an excuse against payment of a civil penalty fine of up to £10,000 for each illegal worker employed. More than 200 companies have already been fined for hiring illegal labour and fines totalling £2.35m have been handed out. For a free briefing sheet on what documents you need to see, contact Cope Safety Management Ltd.

## **Sickness figures**

A CBI/AXA survey found that during 2007, 172 million working days were lost due to sickness and the direct cost of workplace absence was more than £13 billion. The survey also found that 21 million of sickness days were considered to be non-genuine with employers believing that some staff are using them to extend weekends, extend holidays or to attend special events like birthdays and major football games.

You should keep accurate records of absences and use them to identify trends. The most effective way to control short term absences is to introduce a policy of return to work interviews, which can identify short term absence problems at an early stage. If short term absences continue to be a problem they can ultimately be dealt with through your disciplinary procedures.

## **Amendments to maternity leave rules**

For employees with an expected week of childbirth on or after 5 October 2008, and those with a child expected to be placed with them for adoption on or after this date, there are extra entitlements during the period of additional maternity leave. Employees on additional maternity or adoption leave are entitled, like employees taking ordinary leave, to the benefit of all the non-remuneration terms and conditions of employment that would have applied if they had not been absent.

## **Mobile phones**

A lorry driver who caused a fatal accident during a hands-free mobile phone call has been jailed for four and a half years. It has been an offence to use handheld mobiles since 2003 and guilty drivers face a fixed penalty of £60 plus three penalty points. If you employ drivers, whether or not you provide company mobile phones, you would be well advised to have a policy in place on the use of mobile phones. For a sample policy, contact Cope Safety Management Ltd.

## **National minimum wage**

From 1<sup>st</sup> October 2008, the national minimum wage for adult workers aged 22 and over increases from £5.52 to £5.73. The development rates for 18-21 year olds increases from £4.60 to £4.77 and the rate for workers aged 16 and 17 increases from £3.40 to £3.53.

**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](http://www.jwcope.co.uk)).**