

EMPLOYMENT UPDATE

OCTOBER 2006

The Work & Families Act 2006

This legislation is effective from 1st October 2006 and the main changes are to maternity leave where the expected date of confinement is after 01.04.07. Currently an employee is entitled to 26 weeks statutory maternity pay and a further 26 weeks unpaid leave providing they qualify based on the length of time they have worked for the employer. Under the new legislation employees will be entitled to 39 weeks statutory maternity pay and then a further 26 weeks unpaid leave regardless of length of service. The government proposes to increase the length of paid maternity leave to 52 weeks by the end of this parliament. There is also a proposal to allow fathers to have extended paternity leave if the mother returns to work after 6 months but before the end of the statutory maternity period. Please contact Cope Safety Management for a free briefing sheet.

National Minimum Wage

From 1st October 2006 the national minimum wage increases as follows: -

For workers aged 22 and over the hourly wage increases from £5.05 per hour to £5.35 per hour.

For workers aged 18 to 21 the hourly rate increases from £4.25 per hour to £4.45 per hour.

For workers aged 16 & 17 years, the hourly rate increases from £3.00 per hour to £3.30 per hour.

The increase from £5.05 to £5.35 represents a rise of 5.9%, higher than the national average. The national minimum wage was introduced on 1st April 1999 and the rate for workers over 22 was then £3.60, per hour which means that in the five years since its introduction, it has increased by almost 50%.

Age Discrimination Regulations

From 1st October 2006 it will be unlawful to discriminate against employees on the grounds of age. You will need to review your current policies, especially the way you advertise vacancies to ensure that the adverts are not discriminatory. For example to advertise for someone 'young and dynamic' will be discriminatory as will advertising for someone 'mature and with extensive experience in the industry'. You will also need to look at job application forms to ensure that you are not asking for information that you may inadvertently use in a discriminatory way.

Paid holiday whilst off on long term sick

Under the Working Time Regulations 1998 an employee is entitled to four weeks' paid statutory holiday. A recent Court Of Appeal ruling stated that workers on long-term sick leave who have exhausted their entitlement to occupational sick pay **cannot** claim four weeks' paid statutory holiday under the Working Time Regulations 1998.

However the claimants have been given permission to appeal to the House of Lords against this decision and the appeal is expected to be heard later in 2006. The next newsletter will update you on the outcome of the appeal and any implications for your company.

Email & Internet Use

A recent survey by Personnel Today magazine shows that web security firm Scansafe tracked 62 million web searches for house-hunting sites from the UK workplace during the month of August. Scansafe's chief executive said 'Uncontrolled, non-work related surfing at the office consumes bandwidth and reduces productivity, exposing corporate networks to web viruses, spyware and other software that could compromise company security.'

To protect your company from uncontrolled access to the Internet you must have an Internet policy that is communicated to all staff. It should clearly state what, if any private access is allowed and that abuse of the policy will result in disciplinary action. For a sample email and Internet policy, please contact Cope Safety Management.

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).