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## Happy New Year

We would like to wish all our clients, old and new, retained and ad hoc, and all other readers, a very happy, healthy and prosperous New Year. We look forward to working with, supporting and updating you all throughout 2013.

To kick off the New Year we have listed below a brief snapshot of forthcoming legislation during 2013 and also a list of 'January Jobs' from a HR perspective. Later in January, we will be continuing with our bite sized e-newsletters on the new pension auto-enrolment requirements - but firstly ... employment law;

## Forthcoming Employment Law during 2013

### Date to be confirmed - Enterprise and Regulatory Reform Bill

The Enterprise and Regulatory Reform Bill will be implemented this year, with the date of implementation still to be confirmed. This Bill will introduce employment tribunal reforms as follows;

- A new requirement for claimant's to show that they have attempted early conciliation with their employer, before they submit their claim to ACAS. Although this requirement will not be mandatory, a claimant will be expected to show ACAS that they have attempted/discussed conciliation with their employer.
- The provision for some cases to be heard by a 'legal officer' rather than a Judge which is intended to make the employment

tribunal process faster and less expensive.

- Possible financial penalties on employers who lose a claim. The revenue gained will go to the Exchequer rather than the employee and will be based on a proportion of the employee's financial award.
- The renaming of 'compromise agreements' to 'settlement agreements' in order to make the process more accessible and widespread.
- The introduction of 'protected conversations' whereby an employer can begin a conversation with an employee about the end of their employment. Protected conversations differ from 'without prejudice' conversations (where there must be a dispute) because protected conversations can be held where there is no dispute.
- The Secretary of State will review unfair dismissal compensation limits, introducing either a minimum and maximum amount or a multiple of the employee's weekly wage - with a cap.
- Introduction of a change to the Equality Act to allow an Employment Tribunal to order an employer to carry out a pay audit, where they have lost an equal pay claim.

## February - New Tribunal Award Limits

New tribunal award limits come into force where the event giving rise to the award or payment occurs after 1 February 2013.

- The compensatory award for unfair dismissal will increase from £72,300 to £74,200.
- It is expected that the maximum amount of a "week's pay" for the purposes of calculating a basic or additional award of compensation for unfair dismissal or redundancy pay - currently £430 - will also increase.
- It is also expected that the maximum amount of 'guaranteed pay' payable to an employee in respect of short-time working or a lay-off increases currently £23.50 per day - will increase.

## March;

## Increase in the length of Parental Leave

Unpaid parental leave will increase from 13 weeks to 18 weeks. This increase was expected to take place last year however it was then delayed to 2013.

## Disclosure and Barring Service Checks

The Criminal Records Bureau (CRB) - now known as the Disclosure and Barring Service (DBS) will introduce a change whereby DBS checks will become portable between employers, only necessitating the need for one check to take place.

## Changes to some elements of Equality Act 2010

The provisions on third party harassment and discrimination questionnaires in the Equality Act 2010 will be repealed.

## April;

## Employee-Shareholder Contracts

The Government will introduce a new type of contract whereby an employee will be given shares in exchange for waiving certain employment rights.

## Collective Consultation (Redundancy)

The 90 day consultation period, where a 100 or more redundancies are proposed will reduce from 90 days to 45 days.

## Real-Time Payroll Reporting

Employers will be required to use real time information to report payroll deductions before or when they make them.

## Increases to Maternity, Paternity and Adoption Pay

The standard rates of statutory maternity, paternity and adoption pay will increase from £135.45 to £136.78.

## Increase to Statutory Sick Pay

The standard rate of statutory sick pay will increase from £85.85 to £86.70 per week.

## Summer - Employment Tribunal Fees

The claimant will be required to pay an initial fee to submit a claim, and if the claim is processed, a further fee. It is expected that there will be two levels; Level 1 for 'breach of contract' type claims and Level 2 for more complex claims, i.e. unfair dismissal/discrimination. It is expected that for Level 1 claims, the initial fee will be £160 and the further fee £230 and for Level 2 claims, the initial fee will be £250 with the further fee £950. There will be exemptions to this new rule.

## October - National Minimum Wage increases

The national minimum wage may rise on 1 October 2013, subject to the prevailing economic conditions and the Low Pay Commission's recommendations to be delivered to the Government in February 2013.

## January Jobs

The New Year is a perfect time, following rest and reflection over the Christmas period, to make a fresh new start and put some considered plans in place. For example;

- Obtaining up-to-date contact details for all your employees, i.e. address, telephone number, next of kin, etc.
- Obtaining up-to-date copies of driving licenses (for those employees who drive on Company business).
- Communicating your specific 2013 holidays, and if required, those periods during the year where employees will be required to 'save' their own personal holidays because the Company is having a shut-down period.
- Communication of 2013 appraisal/performance review dates.
- Re-communication of important Company policies (just in case any issues arose at the Christmas party!) e.g. bullying and harassment at work, discipline rules, grievance etc.
- With the possibility of more 'severe weather' to come, now is the perfect time to consider how you will manage situations where employees' normal travel to work arrangements are impacted by severe weather, e.g. what flexibility will you provide and expect from your employees at this time?
- Recruiting new team members; a good leader recruits the 'right' people to support the Company/team - not just 'bums on seats'.
- Redundancy; unfortunately, economic pressures may necessitate a reduction in your workforce and so therefore it is critical

that any redundancies are managed in a legally compliant way, reducing the risk of claims of unfair dismissal.

If you would like any advice, guidance or support with your 'January Jobs' or if you would like to speak with us about your current or possibly new HR documentation (contracts, policies etc.) please let us know.

For clarification of any of the above updates or for advice and guidance on any HR and/or Health and Safety Concerns contact us by emailing [khedley@hasslefreehr.co.uk](mailto:khedley@hasslefreehr.co.uk) or by calling 02476 664092.

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