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Employment Law Update

January 2014

As mentioned in our previous newsletter the amendments to the Transfer of Undertakings (Protection of Employment) Regulations 2013 will come in to force this month. There are six changes to the regulations, if you wish to take a detailed look at these please refer to our December 2013 Employment Law Update.

April 2014

From 1st April 2013 all businesses, including charities, will be entitled to receive an employment allowance of £2,000 per annum towards their employer national insurance contribution bill, announced by George Osborne in the **Budget 2013**.

After 6 April changes to unfair dismissal compensatory award will come into effect. We will communicate these changes in due course.

Furthermore the **Enterprise and Regulatory Reform Act 2013** will come in to force. This gives Employment Tribunals the ability to levy a financial penalty against employers that are in breach of employment rights, where the breach has one or more aggravating features. This penalty will be within the boundaries of £100 - £5,000.

Early Conciliation will come in to force. This will mean that before an employee can submit a claim to an Employment Tribunal

they must first contact ACAS where conciliation will be offered. This part of the process will be mandatory and an employee will only be able to submit their claim to a Tribunal if conciliation has not been met in the required period of time.

A **Health and Work Assessment and Advisory Service** will be initiated. This independent assessment service will provide free occupational health expertise, including an independent assessment of employees who have been absent from work for more than four weeks, and expert advice on whether and how employees can be supported in their return to work.

Spring 2014

In Spring 2014 changes will be made to the **Children & Families Bill** meaning that the right to request flexible working will be extended to all employees with 26 or more weeks service. Employers will have a duty to consider all requests in a reasonable manner; employers will have the right to refuse requests on business grounds.

Also in Spring 2014 there will be two significant changes to the **Equality Act 2010**. The first change will be to remove the questionnaire that currently enables a claimant issuing a discrimination claim to gather information from the employer which can then be used as evidence. The second change will be to give powers to Employment Tribunals to order an employer to conduct an equal pay audit in circumstances where it is clear that it has breached the equal pay provision.

October 2014

The **National Minimum Wage** may rise on 1st October 2014, subject to prevailing economic conditions and the Low Pay Commission's recommendations – new rates will be communicated in due course.

The standard rates of **Maternity, Paternity, Adoption** and **Statutory Sick** pay may also increase – again we will communicate the new rates in due course.

Auto Enrolment

There are many different staging dates for different sized companies all throughout 2014. If your staging date falls within 2014 you must ensure your company is prepared for the changes that will take place.

- 1st January 2014; the staging date for employers with 350-499 employees.
- 1st February 2014; the staging date for employers with 250-349 employees.
- 1st April 2014; the staging date for employers with 160-249 employees.
- 1st May 2014; the staging date for employers with 90-159 employees.
- 1st July 2014; the staging date for employers with 62-89 employees.
- 1st August 2014; the staging date for employers with 61 employees.
- 1st October 2014; the staging date for employers with 60 employees.
- 1st November 2014; the staging date for employers with 59 employees.

If you require some more information on Auto Enrolment then please read our HR Update for October 2012.

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 licences (for those employees who drive on Company business).
- Communicating your specific 2014 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 2014 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 you will 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 have any queries relating to any of the subjects raised within this newsletter then please don't hesitate to contact us at hradvice@hasslefreehr.co.uk

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 hradvice@hasslefreehr.co.uk or by calling 02476 664092.

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