



Human Resources & Health and Safety

January 2015



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your legal and contractual
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An Employment Law "Round Up" for the Year Ahead

April 2015

1. Changes to Adoption Leave (and pay)

As of 5th April changes will be made to Statutory Adoption Leave and Pay, the changes will be as follows.

- The main adopter will have the right to paid time off work to attend up to five adoption appointments. The secondary adopter will have the right to unpaid time off work to attend up to two adoption appointments. The Company will have the right to request that employees attempt to schedule these appointments outside of working time but where that is not possible the Company will be required to honour the employee's appointment.
- Adoption Leave will be changed to become a "day one" right. This means that employees will be eligible for adoption leave from the first day of their employment and they will not have to have been continuously employed for 26 weeks, as is the rule now. This change will not be extended to statutory adoption pay for which employees will still need to have been continuously employed for 26 weeks.
- Statutory Adoption Pay will change so that the first six weeks will be paid at 90% of the employee's earnings. The remaining period of adoption leave will be paid at the weekly rate set by the government.

- Eligible employees will be able to opt into Shared Parental Leave.

2. Changes to Unpaid Parental Leave

As of 5th April the rights to take unpaid parental leave will be extended to the parents of all children aged under 18. As the law currently stands, parents can take 18 weeks of unpaid leave if they have a child aged five or under, or up to the age of 18 if the child is disabled. Employees will still be required to take unpaid parental leave in blocks of at least one week, and they remain unable to take more than four weeks of unpaid parental leave in one working year.

3. Rights for Surrogacy Parents

As of 5th April employees who are becoming parents via a surrogacy arrangement will be entitled to take adoption and paternity leave. Currently parents in a surrogacy arrangement can only be entitled to adoption leave if an adoption agency has been involved in the process and the parents have legally adopted their child. As of the stated date, parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008, will be able to take adoption leave and pay and paternity leave and pay, so long as they meet the normal qualifying conditions. This change in the law will not affect the woman in the surrogacy arrangement that is carrying the child; an employee in this situation will still be entitled to maternity leave. Parents in a surrogacy arrangement will have the right to unpaid time off work to attend two antenatal appointments.

4. Shared Parental Leave Introduced

As of 5th April any parents of children born or adopted on or after this date may be entitled to take Shared Parental Leave and Pay. For more information on these changes and everything they entail, please refer to our November 2014 Employment Law Update.

5. The Health and Work Service Introduced

The government are hoping that as of an unspecified date in April the new Health and Work Service will be fully introduced nation-wide. This service is a free occupational health referral service provided via the NHS and it will be comprised of two types of services.

- A health and work telephone helpline and online support for employers, employees and GPs. The main purpose of this will be a question and answer formula.
- Access to an occupational health assessment for employees who have been absent from work due to a sickness for four or more weeks.

It will be the responsibility of the employee's GP to complete the referral, however if this has not been done after four weeks the employer will be able to refer the employee themselves. The main aim of this service is to help employees and employers work together to produce a "return to work" plan to prevent long-term absences.

October 2015

National Minimum Wage

As of 1st October the national minimum wage may rise, 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.

Autumn 2015

Caste Discrimination

There is not yet a specified date but at some point in the latter half of 2015, a person's caste will be added to the list of protected characteristics in the Equality Act 2010, rendering discrimination on the grounds of a person's caste illegal.

How Can We Help?

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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