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## A Round-Up of the Last Year

Now that we are reaching the end of 2015, it seemed an appropriate time to remind our readers of all changes to employment law changes that have occurred throughout the year. Some of these we have spoken about before in previous newsletters, which you will be directed to.

### April

#### *Changes to the Paternity and Adoption Leave (Amendment) Amendment Regulations 2014:*

- Adoption Leave became a “day one right”, meaning that employees can take Adoption Leave from the first day of their employment and no longer need to have worked continuously for 26 weeks. (Please refer to our March Employment Law Update).

#### *Changes to the Children and Families Act 2014:*

- Adopted parents are now entitled to paid time off to attend antenatal appointments (5 appointments for the primary adopter, 2 appointments for the secondary adopter).
- Statutory Adoption Pay now mirrors Statutory Maternity Pay, with the first 6 weeks being paid at 90% of the employee’s average earnings and the remaining 33 weeks being paid at a rate set by the Government or 90% of the employee’s average earnings, whichever is lower.
- Certain employees who are becoming parents via a surrogacy arrangement may now be entitled to take adoption or paternity leave. This relies on the parents who are entitled to, and intend to apply for, a Parental Order under the Human Embryology and Fertilisation Act 2008. Employees such as these will also have the right to unpaid time off work to attend two antenatal appointments. (Please refer to our March Employment Law Update).

#### *Age Limit for Unpaid Parental Leave Extended:*

- The right to take unpaid parental leave has now been extended to the parents of all children aged under 18 years old.

#### *The Introduction of Shared Parental Leave:*

- Parents of children born or adopted after 5<sup>th</sup> April 2015 may be entitled to take Shared Parental Leave and Pay. (Please refer to our November 2014 Employment Law Update).

#### *Changes to the Employment Tribunal Award Limits:*

- The minimum basic award for unfair dismissal has risen from £5,676 to £5,807.
- The maximum compensation award for unfair dismissal has risen from £76,574 to £78,335.
- The maximum amount of “a weeks’ pay” for the purposes of calculated a basic or additional award of compensation of unfair dismissal, a breach of contract/wrongful dismissal, or redundancy has risen

from £464 to £475.

## May

### *Section 6 of the Deregulation Act:*

- Amends the existing apprenticeship framework under the Apprenticeships, Skills, Children and Learning Act 2009 by replacing apprenticeships with English Apprenticeships in England but not Wales.
- This has been implemented to simplify apprenticeships and to allow employers to design their own apprenticeship standards in their sectors. This will make apprenticeships more responsive to the needs of the employers.
- The Government are also planning on continuing to improve the quality of apprenticeships through introducing:
  - Higher expectations on English and Maths based apprenticeships
  - A grading structure, such as pass, merit or distinction
  - An increased emphasis on assessment at the end of an apprenticeship
    - An apprenticeship can now only either be an “English Apprenticeship” or an “Alternative English Apprenticeship” and in line with the Enterprise Bill 2016 it will be illegal to advertise any other form of apprenticeship.
    - An “Alternative English Apprenticeship” is when “an apprentice” doesn’t enter into an official English apprenticeship agreement, but they complete the work/training (either on a self-employed basis or as a fixed term employee) and upon completion, achieve an apprentice certificate.

### *Changes made to the Small Business, Enterprise and Employment Act 2015 (Commencement No.1) Regulations 2015:*

- Changed the penalty for the underpayment of the National Minimum Wage from a maximum of £20,000 per notice of underpayment, to a maximum of £20,000 per affected worker. An employer will now be required to pay an effective employee their unpaid wages, but also a penalty calculated at 100% of the unpaid wages. (Please refer to our July Employment Law Update).
- Banned the inclusion of ‘exclusivity clauses’ in zero hour contracts, preventing employers from forbidding employees to seek another source of employment whilst they are not being provided with work.

## July

### *Claims for arrears of holiday pay limited to 2 years:*

- As stated in the Deduction from Wages (Limitation) Regulations 2014, it was announced that a claim for unpaid holiday pay cannot be backdated for longer than 2 years. In line with the Working Time Regulations it was also decided that a claim for unpaid holiday couldn’t be presented as a breach of contract. (Please refer to our July Employment Law Update).

## September

### *Introduction of the Fit for Work Service:*

- Formally known as the Health and Work Service, the Fit for Work Service was fully implemented in September, providing employers with both an informative website portal and telephone helpline, and also with a free occupational health referral system. This Governmental scheme has been introduced to help employers manage long term absences, and to also help employees return to work. (Please refer to our August Employment Law Update).

## October

### *National Minimum Wage Increase:*

- For more information on the specific rates, please refer to our September Employment Law Update.

### *Limitations to recommendations in Discrimination Cases:*

- Historically, an Employment Tribunal could make recommendations to an employer (the respondent to a claim) of discrimination. These recommendations were intended to help the employer learn from the experience and to introduce practices which could prevent further claims of discrimination in the future.
- However, due to the Deregulation Act, Employment Tribunals are now only able to make a recommendation to a company, in a discrimination claim, if the recommendation will benefit the claimant. (Please refer to our September Employment Law Update).

### *Amendments to the Employment Act 1989:*

- Turban-wearing Sikhs are now exempt from wearing any form of head protection in all workplaces. Limitations are expected to include the armed forces. (Please refer to our September Employment Law Update).

#### *Modern Slavery Act 2015:*

- Companies with a total turnover of at least £36 million a year will now be required to issue a Human Trafficking Statement that can be viewed publically on their website.
- The statement should include information for each financial year, showing what steps the company has taken to ensure that there is no slavery or human trafficking in their business *or* in their supply chains.
- If the company has not taken any steps there will not be any “penalty” applied for this, but the fact that they have not taken any steps must be included in the statement. In this sense, this is a moral activity designed to “name and shame” companies who aren’t taking any corrective methods, and encourage employers to be more proactive and engaged with corporate social responsibility.
- There is a transitional period implemented with this ruling: if your company’s financial year ends before 30<sup>th</sup> March 2016, you will not be required to publish a statement for the current financial year.

#### **How Can We Help?**

If you have any queries relating to any of the subjects raised within this newsletter then please do not hesitate to contact us at [hradvice@hasslefreehr.co.uk](mailto:hradvice@hasslefreehr.co.uk)

All of our newsletters are available on our website at [www.hasslefreehr.co.uk](http://www.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](mailto:hradvice@hasslefreehr.co.uk) or by calling 02476 664092.

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