

April 2012 Employment Law Changes

The main change made this month was to increase the qualifying period for employees to claim unfair dismissal from one year to two years.

This only applies to new employees who started work on or after 6 April, which means that it is fairly straightforward – anyone already employed before then will retain the one-year qualifying period. Employers will need to check an employee's start date carefully before dismissing him or her to establish whether they have the right to bring a claim or not.

The change in the period of qualifying service also applies to the right to a written statement for the reasons for dismissal.

The Government has estimated that the number of claims will drop by around 2,000 per year, saving employers around £4.7 million per year. This change was made to encourage employers to take on new staff, as research has shown that the fear of employment tribunal claims puts employers off recruiting.

Ware & Kay LLP in YORK



Address
Sentinel House
Peasholme Green
York, YO1 7PP



Tel
01904 716 000
Fax
01904 716 100

However, it is possible that employees with less than two years' service will still be able to claim that they were automatically unfairly dismissed or will claim whistle blowing or discrimination. In the last two scenarios the level of compensation is unlimited.

In addition, a number of changes have been made to employment tribunal practice and procedure. For example:

- employment judges will be able to sit alone to decide unfair dismissal cases
- tribunal judges can make a deposit order where they decide that a claim has little reasonable prospect of success.
- employment judges can also award costs against a party where that party has applied for a hearing to be postponed or a party or his representative has acted vexatiously, abusively, disruptively or unreasonably or the bringing or conducting of the proceedings was misconceived; and
- changes have also been made to the rules regarding witnesses.

Other changes were made to compromise agreements, apprenticeship agreements, family and sickness pay.

For further advice on employment issues please contact a member of our Employment Team on on York **01904 716 000** or Wetherby on **01937 583 210**.

Ware & Kay LLP

good on paper, even better in person

Ware & Kay LLP in WETHERBY



Address
The Aire Suite
Brunswick Court
Victoria Street
Wetherby, LS22 6RE



Tel
01937 583 210
Fax
01937 587 556