

October 2015 Employment Law Update



A round-up of the main employment law changes coming into effect from autumn 2015. Gill Wilkinson, employment law specialist at Ware & Kay in York & Wetherby, outlines the main changes and the action you need to take as a result.

YORK

Address

Sentinel House
Peasholme Green
York
YO1 7PP

Tel 01904 716 000

Fax 01904 716 100



WETHERBY

Address

The Aire Suite
Brunswick Court
Victoria Street
Wetherby
LS22 6RE

Tel 01937 583 210

Fax 01937 587 556



National minimum wage rises

The minimum wage is reviewed every year and traditionally it has been increased on 1 October. This year is no exception. The new hourly rates are:

- ✓ adult rate (21+): £6.70
- ✓ development rate (18–20): £5.30
- ✓ young workers rate (16–17): £3.87
- ✓ apprenticeship rate: £3.30.

The accommodation offset limit has risen to £5.35 per day. The government's new national living wage is due to take effect from next April. This will add a premium of 50p to the minimum wage for those over 25 so that the rate for those workers will effectively increase to £7.20 per hour from April 2016.

Employers should ensure that staff are paid the correct new rates from 1 October 2015. You are also advised to start planning ahead for the national living wage and consider the implications on your payroll budget. If you have concerns about affordability, and think you may need to make changes to your staffing structure as a result, please contact us for legal advice on following the correct procedure.

Services for individuals:

- Buying & Selling your home
- Wills & Probate
- Will, Inheritance & Trust Disputes
- Tax & Estate Planning
- Family, Children & Mediation
- Employment Advice
- Accident & Personal Injury Claims
- Litigation & Dispute Resolution
- Farming & Agriculture
- Town & Country Planning
- Elderly Client Services

Services for businesses:

- Corporate & Commercial Services
- Commercial Property
- Civil Litigation including Debt Collection
- Employment Advice
- Farming & Agriculture
- Town & Country Planning

Financial Advice

Apprenticeships

The Enterprise Bill will create a new offence where someone offers an apprenticeship that is not a statutory apprenticeship, in order to protect the apprenticeship 'brand'. In addition, from 1 September, anyone bidding for a large public sector contract that lasts for more than one year has to state how many apprenticeships they intend to create.

Employment tribunal recommendations

Where an individual had made a successful claim for discrimination, employment tribunals could previously make recommendations that applied to the wider workforce, not just the claimant. Examples included introducing an equal opportunities policy and training staff on diversity. This power has been rarely used and the government abolished it as of 1 October.

Turbans and protective headgear

Sikhs wearing turbans are exempt from wearing safety helmets on construction sites. This has been extended to all workplaces from 1 October. This means that Sikhs do not have to wear protective headgear in workplaces such as warehouses, factories and company vehicles. Those working in the armed forces and the emergency services do still have to wear head protection.

You may need to update your health and safety policy and, if you have one, your personal protective equipment policy.

Ban on smoking in cars

Company vehicles were already required to be smoke-free, unless the car was mainly used for the employee's private purposes. From 1 October, drivers of private cars in England are also banned from smoking in them if they are carrying a passenger who is under 18.

You should ensure your employees are aware of this and you may also need to revise your smoking and company car policies.

Slavery and human trafficking statements

The government intends to require every commercial organisation carrying on business in the UK with a turnover of £36 million or more, to publish a statement on its website every year setting out the steps it has taken to ensure its business and supply chains are free from slavery and human

Services for individuals:

- Buying & Selling your home
- Wills & Probate
- Will, Inheritance & Trust Disputes
- Tax & Estate Planning
- Family, Children & Mediation
- Employment Advice
- Accident & Personal Injury Claims
- Litigation & Dispute Resolution
- Farming & Agriculture
- Town & Country Planning
- Elderly Client Services

Services for businesses:

- Corporate & Commercial Services
- Commercial Property
- Civil Litigation including Debt Collection
- Employment Advice
- Farming & Agriculture
- Town & Country Planning

Financial Advice

Email law@warekay.co.uk
Web www.warekay.co.uk

trafficking, or stating that it has taken no such steps. The exact start date has not been set, but is expected to be in autumn this year.

Even if this does not apply directly to your business, your more large-scale customers may have to carry out due diligence on their supply chains and they may start asking you questions about the goods and services you supply to them so that they can prepare their statements.

Fit for Work service

This scheme, under which GPs can refer an employee for a free occupational health assessment if they have been, or are expected to be, off sick for four weeks or more has now been rolled out across the country. In addition, employer referrals have been available since 8 September. This means that you can refer an employee to the service once they have been off sick for four weeks and the aim is to get them back to work more quickly. An occupational health assessment will be carried out, which will result in a return to work plan. You can now accept these plans in place of GP fit notes as evidence of sickness.

You need to update your sickness policy and ensure you have a system in place that triggers a reminder to refer an employee at the four-week point.

Please contact Gill for advice if you have any queries on these changes or you would like us to help you update your policies.

NB. The contents of this article are for the purposes of general awareness only. They do not purport to constitute legal or professional advice. The law may have changed since this article was published. Readers should not act on the basis of the information included and should take appropriate professional advice upon their own particular circumstances.

Ware & Kay

Contact us

For a free, no obligation discussion call Gill Wilkinson on York **01904 716000** or Wetherby **01937 583210**.