

EMPLOYMENT LAW UPDATE OCTOBER 2010

Single Equality Act

The Equality Act 2010 consolidates existing equality law into a single piece of legislation and introduces a number of reforms. It defines direct discrimination as less favourable treatment because of a protected characteristic. This widens the scope for associative discrimination and discrimination based on a perceived protected characteristic. The Act prohibits employers from asking questions about health before offering a candidate a post. It widens the scope of harassment, by extending third party harassment to all the relevant protected characteristics.



Increase of national minimum wage to £5.93 per hour

The main rate of the national minimum wage rises from £5.80 per hour to £5.93 per hour and the development rate from £4.83 per hour to £4.92 per hour. The rate for workers aged 16 to 17 years increases from £3.57 to £3.64 per hour. The main rate will apply to 21-year-old workers. An apprentice rate of £2.50 per hour will apply to apprentices who are under 19 or those who are aged 19 and over but in the first year of their apprenticeship. The per day value of the accommodation offset increases from £4.51 to £4.61.

working with vulnerable people); obtaining agreement to terms when they introduce job-seekers for permanent employment (except when they charge a fee for a work-finding service); and agreeing terms with the permanent employer. Advertisements for jobs no longer need to include a statement as to whether or not the organisation is acting as an employment agency or employment business but they must state whether a position is temporary or permanent.

Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2010 come into force

The Regulations amend rules regarding upfront fees for the entertainment industry. They prohibit employment agencies from taking upfront fees from photographic and fashion models. They extend the cooling off-period for upfront fees for certain occupations. They remove a number of administrative steps that employment agencies are required to take, including: carrying out identity checks for job-seekers (other than those who will be

FUTURE EMPLOYMENT LAW CHANGES FROM APRIL 2011

The Bribery Act 2011

Aims to promote anti-bribery practices among businesses, by modernising the law on bribery. The Act introduces a corporate offence of failure to prevent bribery by persons working on behalf of a business. A business has a defence if it has adequate procedures in place to prevent bribery. The penalty is an unlimited fine. For individuals, it will be a criminal offence to give, promise or offer a bribe and to request, agree to receive or accept a bribe. The legislation raises the maximum penalty for bribery by individuals from seven to 10 years' imprisonment.



Right to make a request in relation to study or training for organisations with fewer than 250 employees

The Apprenticeships, Children and Learning Act 2009 introduces a statutory right to make a request in relation to study or training for employees in organisations with fewer than 250 employees. Employers will be obliged to consider seriously requests that they receive, but will be able to refuse a request where there is a good business reason for doing so. The right to make a request in relation to study or training was introduced for employees in organisations with 250 or more employees on 6 April 2010.

Default retirement age abolished

From the 6th of April employers are prohibited from issuing new notifications of retirement using the default retirement age. An employer that issues a notification of retirement before 6 April 2011 will be able to retire the employee if his or her retirement date is before 1 October 2011. An employer cannot prescribe a compulsory retirement age, unless it can justify it as a proportionate means of achieving a legitimate aim.

Right to request flexible working extended to parents of children under 18

The Government grants parents of children under 18 the right to request flexible working. This extends the right to request to work flexibly already conferred to parents of children under the age of 17, or under the age of 18 if the child is disabled, and to employees who care for adults aged 18 or over.