

NEWSLETTER

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Special points of interest:

- Fit Notes take over Sick Notes
- Right to request training
- Paternity Leave
- Data Protection
- Default Retirement Age
- Statutory Maternity, Paternity & Adoption Pay

EMPLOYMENT LAW CHANGES THINGS EMPLOYERS NEED TO KNOW

FIT NOTE—From 6th April 2010, the existing system of sick notes is replaced by a fit-note system under which GP's can suggest adjustments to an employee's role and/or workplace to enable them to return to work. The system was recommended in 2008 by Dame Carol Black, the national director for work and health, in her review of sickness absence.

Questions:

- How do fit notes differ from their predecessor, the sick note?

- What further advice should doctors include on a fit note where they tick the "may be fit for work taking account of the following advice" option?

- Has the fit-note system changed employers' obligations under the disability discrimination legislation?

- What should an employer do if it receives a fit note that states and employee "may



Fit Notes to Sick Notes

be fit for work taking account of the following advice?"

- Is the employer obliged to comply with the advice on a fit note?

- How should an employer deal with an employee who fails to provide a fit note?

LYNC HR has produced a useful briefing on the fit note that answers some of the above questions. If you wish to receive a copy or have any further queries:

Please Contact
lyn@lynchr.co.uk
Stating "Fit Note Briefing"

REQUESTS FOR STUDY OR TRAINING

As of 6th April 2010, employees have a legal right to make a request in relation to study or training—eg. Time off work to study. The right is modeled on the procedure allowing parents and carers to make a request for flexible working. The request must

include certain information, such as:

- * details of the training or study
- * where and when it would take place
- * who would provide or supervise it

* what qualification (if any) would be achieved

A refusal of a request must be on one or more grounds specified in the legislation.

Contact [LYNC HR](http://lynchr.co.uk) for the specific grounds specified.

PATERNITY LEAVE

From 6th April 2010, there is a new right to additional paternity leave allowing fathers to take up to 26 weeks' paternity leave in the first year of a child's life. This will, in effect, allow fathers to share maternity leave with the mother, who will be able to return to work after six months, leaving the father to take what is left of the 12 months' maternity leave.

The actual changes will take effect in respect of parents with babies due on or after 3rd April 2011 or matched for adoption on or after this date.

Statutory Paternity Pay and Leave is available to employees whether they are the biological father or the mother's partner or husband. It applies to same sex couples and civil partners.

An employee is entitled to the same job following paternity leave and will be protected from unfair dismissal related to paternity pay.

Employers can reclaim Statutory Paternity Pay in the same way as for Statutory Maternity Pay.



Fathers allowed to take additional leave

Statutory Paternity Pay is currently £124.88 or 90% of average weekly earnings, whichever is less.

AGENCY WORKERS

The Agency Workers Directive has to be implemented in the UK by October 2011 at the latest. The Government has published draft Agency Worker Regulations which basically state that agency workers must receive the same treatment, pay and benefits as a comparable permanent employee.

This has caused huge concern for employers. The Government, TUC and the CBI negotiated a 12 week period, when a temp can work without receiving the same pay as a permanent comparator. However, after 12 weeks agency workers are entitled to the same hours, pay benefits and working time as their perma-

nent colleagues. Therefore, employers are strongly advised to review their use of agency staff in 2010. Options include; financial indemnity with the supplying agency; having permanent floating staff; rotate temps in different tasks; have breaks between assignments (Regs stipulated a 6 week break). Careful plans needed.

"Changes to Paternity Leave take effect with babies due on or after 3rd April 2011"

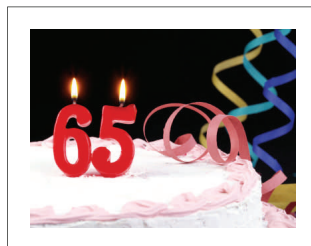
DEFAULT RETIREMENT AGE

The Government has moved its review of the default retirement age (currently 65) forward to 2010. The comments of the High Court in the Heyday case (Age Concern long running litigation) add to the pressure for an increase in the default retirement age or even removal of the ability to retire employees compulsorily.

The Government is currently conducting a research report

on "Employers' Policies, Practices and Preferences relating to age" and submissions had been requested by 1 February 2010.

Presently employers can still compulsorily retire employees lawfully, provided that they carefully



Retirement Age consultation continuing

follow a **fixed procedure**. If the set procedure is followed, employers should be safe from claims of unfair dismissal or age discrimination.

Contact LYNC HR at least 6 months prior to the date of an employee's due retirement date.

Watch this space for updates

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*Not forgetting the human aspect of
Human Resource*



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FCIPD (Fellow of Chartered Institute of Personnel & Development)
B.A. Hons in Social & Literary Studies
NLP Certified Coach - NLP Certified Practitioner
ATFT Algorithm Training
Certified TetraMap Facilitator - Master TetraMap Facilitator
I.O.S.H Health & Safety - Licensee for Thomas International Personal Profile
Qualified Youth & Community Worker - Professional Speakers Association
The Institute of Sales & Marketing Management

Lyn has over 15 years working experience within the areas of Human Resources and Personnel. Her experience is from a wide generalist background with specific expertise in linking personnel best practice with legislative requirements. A main focus has been to establish a training and development slant on all aspects of people management, from HR administrators to Senior Management.

LYNC HR is a business set around a qualitative working relationship with our clients. Her approach is to address organisations specific needs, providing bespoke consultancy, offering training, mediation, coaching and continuous advice.

LYNC HR does not forget the 'human aspect of human resource'

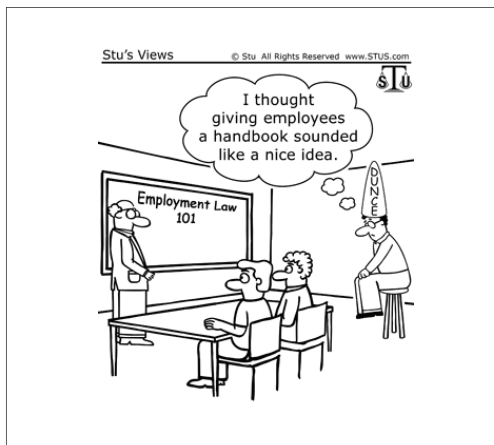
OTHER 'STUFF' THAT MAY MEAN CHANGES TO YOUR HANDBOOK!

DATA PROTECTION

From 6th April 2010, the information Commissioner has the power to fine organisations up to £500,000 for serious breaches of the Data Protection Act 1998.

PENSIONS

From 6th April 2010, the minimum pension age increases from 50 to 55 unless retirement is on the ground of serious ill health, the member has a protected pension age, or the member started taking benefits before 6th April 2010. Meanwhile, the number of years needed to receive a full basic state pension reduces to 30. The state pension retirement age for women born on or after 6th April 1950 will rise to 65 between 2010 and 2020.



LYNCH can provide both a DIY Handbook and a bespoke Handbook—contact us—this is a good idea!

STATUTORY MATERNITY, PATERNITY & ADOPTION PAY

From 4th April 2010, the standard rates of statutory maternity pay, statutory paternity pay, and statutory adoption pay will increase from £123.06 to **£124.88**.

Statutory sick pay will continue at the rate of £79.15

per week.

TRADE UNION BLACK-LISTING

Finally, don't forget that regulations came into force on 2nd March 2010 making it unlawful to dismiss employees or refuse employment on the grounds of trade union membership of activities.

WE ARE ALWAYS AVAILABLE FOR YOUR CALL SHOULD YOU HAVE ANY QUERIES ON THESE OR OTHER HUMAN RESOURCE MATTERS.

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