



April 2015 Update

Welcome to this month's edition of Employment Law update - where we discuss the latest legislation and guidance.

Family-Friendly Employment Law Changes on 5 April 2015

In this update we provide a brief recap of those laws, which will come into force on 5 April 2015.

Shared Parental Leave and Pay (SPLP)

One of the most significant changes being introduced this year will be the new system of SPLP, which will apply to births and adoptions (including adoptions from outside the UK) from 5 April 2015 onwards and replace the current additional paternity leave regime.

Parental Leave

Not to be confused with SPLP above, parental leave has been in force for some time and has allowed parents with at least one year's service to take up to 18 weeks' unpaid leave before a child's 18th birthday.

From 5 April 2015 onwards, the period of entitlement will be extended to allow 18 weeks' unpaid leave to be taken by qualifying employees before a child's 18th birthday in all cases and not just those where the child is disabled.

Adoption

From 5 April 2015, employees will no longer require to have 26 weeks' service with their employer before being eligible for adoption leave. There will also be a new right introduced for employees

proposing to adopt a child to take time off to attend up to five adoption appointments.

Employers: It is important that your policies on shared parental leave, parental leave and adoption leave are updated to reflect these changes. We can assist with these changes. Please do not hesitate to get in touch if we can help.

General Election - what do the Parties say about Employment Law?

Here is a quick summary from the 300-odd pages of the manifestos from the Conservatives, Labour, the Lib Dems, UKIP and the Green party on anything relating to Employment Law:

Conservatives

1. The flagship Tory employment law proposal is to “protect you from disruptive and undemocratic strike action”. They would make it more difficult for unions to call strikes. Any strike will require at least 50% turnout, the support of at least 40% of those entitled to take part in ballots, and a majority among those who actually vote. Though it seems unlikely without an outright Tory majority that these proposals will happen
2. Encouragement for employers to pay the living wage, whenever they can afford it. It is not clear how they will achieve this, or whether there will be financial incentives for employers. There is no explicit suggestion of the latter.
3. The Tories also say that the minimum wage is “on course” to be £8 an hour by 2020. This is an assumption based upon how it has changed over the past few years, and not an explicit promise.
4. On zero-hours contracts, the Conservatives say they will take “further steps” to eradicate abuses such as exclusivity in such contracts, although it is not clear what steps may be planned as there has [already been legislation on this topic](#) during the previous parliament.
5. The Tories will require companies with more than 250 employees to publish the difference between the average pay of their male and female employees.

Labour

1. A commitment to “abolish the Government’s Employment Tribunal fee system”. It is not clear from this whether it is tribunal fees that would be abolished, or simply the fees system. Given they also promise that “costs to the taxpayer will not rise”, it is likely that Labour would reform fees rather than remove them.

2. A “softly, softly” approach to the Living Wage, with policies containing more carrots than sticks. They promise tax rebates for those employers that pay the living wage, while publicly listed companies would be required to report on whether or not they pay at this level.
3. Promises to increase the minimum wage to £8 an hour.
4. Banning "exploitative" zero-hours contracts, by providing that those who work regular hours for more than 12 weeks will have the right to a regular contract. However, it is not clear what would prevent employers from simply ensuring that “regular” hours do not continue for 12 weeks in a row.
5. Require “large” companies to publish their gender pay gap (but don’t specify what “large” means), “strengthen” the law against maternity discrimination (but don’t say how) and “tackle” unpaid internships (but don’t say what they would do).
6. Labour also say that they will “double paid paternity leave” from two weeks to four weeks, and increase paternity pay by more than £100 a week.

Liberal Democrats

1. The Liberal Democrat manifesto is full of words like “review” and “consult”. It is almost as if they don’t want to pin their colours to the mast, so they can comfortably become part of either a red or blue coalition government.
2. The Lib Dems say they will provide fathers with an additional four weeks’ leave to encourage dads to take time off to care for their children. The leave would be granted on a “use it or lose it” basis and would be available exclusively to fathers, so could not be shared with partners under the [shared parental leave](#) system.
3. As a means of clamping down on employers not paying the national minimum wage, the Lib Dems would review the practice of unpaid internships.
4. While the Liberal Democrats were part of the government which introduced [Employment Tribunal fees in July 2013](#), they have pledged to review them if they return to power in May with a view to lowering the level of fees.
5. On zero-hours contracts, the Lib Dems say they would continue to “stamp out abuse” by introducing a formal right to request a fixed contract, and consult on introducing a right to make patterns of work contractual after a period of time – a somewhat less committed version of the Labour proposal.

UKIP

1. UKIP’s objective is to leave the EU and the party claims that, if this were to happen, employment

rights would continue to be protected. UKIP says that some laws, such as those relating to working time, would be amended because they “actively restrict the British work ethos and therefore the economy”.

2. It is not clear which other laws might be changed. However, there would presumably be some changes to the discrimination framework given UKIP’s commitment to allow British organisations to choose to employ British citizens over non-British citizens.

3. While UKIP has no plans to ban [zero-hours contracts outright](#), it says it would introduce a legally binding code of conduct requiring businesses hiring 50 people or more to give workers on zero-hours contracts a full or part-time “secure” contract after one year, if requested.

Green Party

1. The Green party would increase the minimum wage to a “living wage” of £10 by 2020. They would also introduce a maximum [pay ratio](#) of 10:1 between the best paid and the worst paid in every organisation.

2. In order to improve life quality and “combat unemployment by sharing available work more equitably”, the Greens would phase in a 35-hour working week. It is not clear how this would work in practice and whether or not individuals could “opt out” of the scheme.

3. The Greens pledge to end exploitative zero-hours contracts, but do not explain how they would do this. They also commit to ending the exploitation of interns by ensuring that no unpaid full-time internship would last for more than four weeks.

4. The Green party would reduce the Employment Tribunal fees so that tribunals are accessible to workers.

So there you have it



Silverstone

Business Forum

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