

Business Bites

legal e-newsletter

Edition One
October 2010



Robert Meaton & Co

Welcome to the first edition of **Robert Meaton & Co Solicitors legal newsletter**. This month we are going to focus on employment law as significant changes came into force on 1st October. We hope that you will find **Business Bites** useful. If you need any further information about how any of the topics may affect your business contact: info@rmandco.co.uk or telephone 0845 634 9955

Changes to Employment Law

Increases in the national minimum wage

New hourly rates take effect from 1st October 2010:

Standard Adult Rate: £5.93 (from £5.80)

Development Rate : £4.92 (from £4.83)
(workers aged 18-20)

Young Workers Rate: £3.64 (from £3.57)
(under 18 years):

Apprentices: £2.50 (new rate)

The new apprentice rate applies to all apprentices under 19 or those aged 19 or over in their first year.

Equality Act 2010

The primary aim of this hugely important legislation is to harmonise existing discrimination law. The "protected characteristics" under the Act are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief (or lack of religion or belief); sex; and sexual orientation.

However there are also important new provisions that employers in particular need to take careful note of to protect themselves from possible discrimination claims by employees – for example it is now possible that they can be made liable for harassment by others. As damages in discrimination claims in Employment Tribunals are uncapped it is vital to comply with the new law.

Some of the important changes include:

- The definition of "victimisation" is amended so that claimants only need to show that they have suffered a detriment
- Extending the concept of positive action, so employers may recruit based on the selection of a job candidate with a "protected characteristic" if the candidates are equally suitable
- Employers cannot ask job applicants any questions about disability or health (except in specified circumstances)
- The definition of 'disability' is amended so that claimants are no longer restricted to a set list of day-to-day activities that they must show they are unable to do
- Making employers liable, in certain circumstances, for harassment by third parties in the workplace
- The definition of "gender reassignment" is amended, thereby removing the requirement for medical assessment
- The definition of "direct discrimination" is amended so that people are protected if they suffer discrimination because they are perceived to have, or are associated with someone who has, a protected characteristic. This will give, for example, new protection to carers
- Employment tribunals are able to make recommendations to benefit the whole workforce, not just the claimant

Most elements of the new legislation come into force on 1st October 2010 however ministers are also considering how to implement remaining provisions in the best way for business and for others with rights and responsibilities under the Act. These include:-

- The socio-economic duty of public bodies
- Gender pay gap information
- Provisions relating to auxiliary aids in school
- Diversity reporting by political parties
- Positive action in recruitment and promotion
- Provisions about taxi accessibility
- Prohibition on age discrimination in services and public functions.

Employment Agencies

New regulations were introduced for employment businesses in *The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2010*. For full details visit www.opsi.gov.uk

*For more information about employment law contact:
Andrew Davies on 0845 634 9955*

Robert Meaton & Co Solicitors launches a legal protection package for employers

As you can see from the details of the latest Employment Act keeping up with all the changes can be problematic for employers – no area of EU or UK law changes more frequently than employment law!

Employers have never been more at risk of business interruption, employee absence or litigation as a result of claims by employees. In the last financial year there were over 236,000 claims lodged in Employment Tribunals in England and Wales and this figure is likely to increase with the new Equality Act coming into force. Last year the average damages in discrimination claims were:

- disability discrimination £52087
- age discrimination £10931
- sex discrimination £1949

We can offer as simple solution to employment law worries, giving you the chance to get on with running your business.

For an affordable monthly fee our new Employer Assist scheme provides a number of benefits:

- a telephone advice line – manned by experienced and qualified solicitors
- an initial review of all your employment policies to ensure compliance
- an annual review of all relevant documentation such as staff contracts, handbooks, holiday and sickness records etc.
- (optional) insurance to cover legal costs, court costs & compensation awarded by Employment Tribunals

The insurance policy is backed by a leading specialist insurance company and provides indemnity in the unlikely event that litigation or a Tribunal became necessary.

Even the smallest firm can afford our employment law package – prices range from **£45.00 per month** depending upon the size of the organisation.

To find out more about Employer Assist or to obtain a quote please contact Andrew Davies andrew.davies@rmandco.co.uk or telephone 0845 634 9955.

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