

Juridical News

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APRIL 2006

HEADLINES

**Employment Law
Latest Govern-
ment Regulations
for 2006 and how
they affect your
business**

**Employment Law
Seminars**

Coming Soon

**Transfer of Un-
dertakings
(Protection of
Employment)
Regulations 2006**

Company Law

Oil & Gas Law

Employment Law

Intellectual Property

**Commercial
Contracts**

law@juridical.co.uk
Juridical Limited
Riverside House
Riverside Drive
ABERDEEN
AB11 7LH

Tel: 01224 224343

Employment Focus

Employment Law Latest: Tribunal Awards

Under the Employment Rights (Increase of Limits) Order 2005 which became effective as from 1st February this year, employment tribunals can award compensatory amounts for unfair dismissal up to £54,800. In addition the maximum amount of "a week's pay" for the purposes of calculation the basic or additional award of compensation in relation to either unfair dismissal or redundancy payment is now set at £290.

Statutory Benefits

As from 2nd April 2006 these will be increased as follows:-

*Maternity, paternity and adoption pay increased to £108.85 p.w.

*Sick Pay increased to £70.05

However the threshold to become eligible for these benefits will rise to £84.00 p.w

Retirement Age

As from 1st October 2006 there will be a national default retirement age of 65 but employers will be under a duty to consider requests by employees to work beyond this age. For more detail see the [Employment Equality \(Age\) Regulations 2006](#)

National Minimum Wage

Again effective from 1st October 2006 the main adult rate will rise to £5.35 per hour and the development rate to £4.45 per hour.

Additional Employee Rights

The Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations has extended the right to request flexible working to carers in your employ that are looking after an adult. Your employee must have 26 weeks qualifying service before they can make such a request and the adult in

Employment Law Seminar

Juridical are running an in-house seminar on 'Managing Problem Employees' on Monday 6th and 27th April 2006 for Bristows Helicopters which is aimed at helping managers understand the benefits of taking swift and positive action as well as implementing good Dismissal and Disciplinary and Grievance Procedures.

If you would be interested in setting up a course to meet your in-house needs please contact Irene on irene.keith@juridical.co.uk



question must be married to, the partner or civil partner of employee, or a relative, or living at the same address of the employee.

Statutory Union Recognition

If you employ 21 or more workers, a union may ask you for recognition. If you ignore or refuse this request the union can apply to the Central Arbitration Committee (CAC) and they will process that application if 10% of your workers are union members or the majority are likely to favour union recognition. CAC may then automatically recognise the union or hold a ballot of your workers. The cost of which is shared between your company and the union. Equally you can seek derecognition if you have employed fewer than 21 workers over any 13 week period and three years have passed since CAC awarded recognition to the union.

Focus on TUPE Latest – How does it affect you?

New Regulations SI 2006/246 come into force on 6th April 2006 which alter the Transfer of Undertakings (Protection of Employment) Regulations of 1981 and these confirm the Regulations do apply to contracting-out situations, where services are outsourced or assigned by your company to a new contractor, and includes a new duty on the old employer to notify the new employer of all associated rights, liabilities that will transfer. In addition it ensures that the transferor and transferee are jointly and severally liable for liabilities arising from pre-transfer employment where transferor is a public sector employer not subject to, or

exempted from, the requirements of Employers' Liability (Compulsory) Insurance Act 1969.

The information you must receive in writing as a transferee include

- *Age and identity of employee
- *statement of employment particulars information (SI ERA 1996)
- *any disciplinary procedure taken against the employee or grievance procedure brought by the employee
- *any court or tribunal proceedings brought by the employee against their employer in the preceding two years
- *any collective agreement which will have effect after the transfer
- Liabilities for injury or diseases arising from their pre-transfer employment

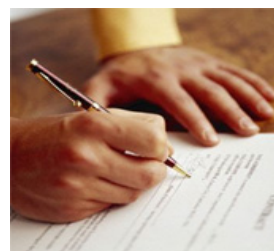
where the transferor is a public sector employer not subject to the requirement of insuring themselves against such liability, now become the joint and several liability but the employee may nominate which party they elect to bring a claim against. Such transfers can be complicated, and sometimes the law can be altered by specific cases, but help is at hand. A useful checklist for your managers has been set up by The Employment Relations Unit on www.dti.gov.uk or contact Irene on

irene.keith@juridical.co.uk

Dates For Your Diary

- May 16th** **Age Discrimination**
- June 7th** **Discipline/Grievance Procedures**
- June 20th** **Do Your Staff Feel Under Stress?**
- August 29th** **A Problem Shared— A Problem Halved**

Interested in attending any of these Round Table Discussions/Workshops? Please contact Irene for more detail on irene.keith@juridical.co.uk



Age Discrimination

Do you know that by 2026 half of everyone aged 16 and over will be aged over 50? Are you ready to meet the challenges of the Employment Equality (Age) Regulations 2006 which come into effect on 1st October 2006.

As age discrimination in the UK and Europe is something that can affect people of any age these regulations will have an impact on many as

aspects of the employment field. Many of you will be aware of the local government strike and the effect it would appear to have on pensions but other areas will also be affected such as:

- Young Workers
- Recruitment
- Pay & Benefits
- Promotion
- Unfair Dismissal
- Redundancy

Juridical is

an innovative, client-focused provider of legal and business solutions for corporate clients. We provide four distinct but complementary divisions- business law, business consultancy, knowledge services and publications and drawing upon our interdisciplinary strength gives us an added dimension as a provider of business support services. For more information contact Ken on ken.cumming@juridical.co.uk