

HEADLINES

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What the Government have in store for 2007 under the auspices of the Work and Families Bill

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Corporate

Manslaughter in Scotland

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Useful guidelines on Age Discrimination

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Juridical News

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Employment Focus

The Work and Families Bill

These proposals are likely to come into effect in April 2007. Whilst the consultation period has just ended and small amendments could be made it is valuable to know what is proposed and how it might affect your company.

Maternity Leave

Those that qualify for ordinary maternity leave will also qualify for additional maternity leave so that they are entitled to twelve months leave.

Statutory Maternity Pay

The proposal on Statutory Maternity Pay is to extend the right from 26 weeks to nine months.

Keeping in Touch

There is the possibility that the Government

will permit employees on maternity leave to work a number of days during maternity leave with a view to helping them keep in touch with their employer. The employer can't impose such an arrangement as it has to be by agreement. Where employee wishes to participate in such a scheme they will not lose entitlement to Statutory Maternity Pay for that week.

Return to Work

Employees on maternity leave may be required to give employers eight weeks notice of their proposed return to work date. However on the other side if an employee gives early indications of their intention not to return to work, employers cannot terminate their contract of employment early nor deny that employee the rights that accrue thereunder.



Working Time Regulations

Annual Leave Entitlement

Under the above Bill powers will be granted to the Government to amend the Working Time Regulations to remove the loophole regarding Annual Leave entitlement. Some employers have been providing staff with the minimum twenty days annual leave inclusive of public and bank holidays. This proposal ensures all employees entitled to twenty days annual leave plus any bank and public holidays.

Unfair Dismissal & Redundancy

Compensation

Employers should note that this Bill also grants powers for increases in the levels of compensation to be awarded for the above.

Flexible Working

The Flexible Working (Eligibility, Complaints and Remedies)(Amendment) Regulations extend the right to request flexible working to carers of adults from 6th April 2007.

Occupational and Personal Pension Schemes

Under the Regulations there is a statutory requirement upon employers to consult prospective and active members of pension schemes and their representatives before making major or significant changes to future pension arrangements. This obligation has now been extended to undertakings with 100 or more employees. For more contact Irene on irene.keith@juridical.co.uk

Combating Age Discrimination

As research has shown that many employers have still to take measures to put new policies and procedures in place it seemed an appropriate time to provide some positive steps that could be taken.

A study carried out by the Ludic Group LLP and the London School of Economics and Political Science on behalf of Wolters Kluwer looked at the attitudes towards age diversity in the workplace. Employee's responses show certain attitudes prevail.

"A more junior role would go to a younger person. I think that is being ageist, but you normally do that."

Or "Personally I haven't come across it ...Friends of mine who are older, in their 50s, have found it very difficult to find employment."

Finally "...they believe that the older you get you can't learn, you know. That is a fallacy."

Age stereotypes have been with us from the beginning and as with other types of discrimination it is important to consider the practical aspects. However before taking steps to amend your policies it might be prudent to find out the age profile of your employees and in particular how many are below 25 and over 40. Review the financial benefits of retaining experienced staff for longer over the current situation.

Consider training, personal development to staff across the board on the principles of life-long learning and consider project teams as a way to bring older and younger employees' skills together.

Another option is perhaps offering those retiring the opportunity to come back on a part-time basis to mentor a younger employee or simply to address a skills shortage.

Run workshops to encourage employees to help identify issues and suggest ways to change. Finally perhaps look at offering age friendly policies such as "elder care" leave for employees with elderly relatives.

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Corporate Manslaughter Bill

The Corporate Manslaughter Bill applicable to England and Wales is finally going through UK Parliament.

Scottish Approach

In Scotland The Expert Group set up by Minister for Justice, Cathy Jamieson has published its report into the possibilities of introducing similar legislation here. A copy can be found on www.scotland.gov.uk/Topics/Justice/Criminal/Corporate/finalreport.

Its conclusions confirmed that a similar statutory offence should be introduced for organisations guilty of recklessness which results in the death of employees or members of the public. They felt that an organisation should be liable where it fails to put policies, practices and systems in place to ensure the health and safety of its employees and those affected by its activities. This may include allowing, or failing to take all reasonable steps to prevent a corporate culture to exist which encourages, tolerates or leads to an offence taking place.

A majority of the group felt that the legislation should apply equally to deaths in Scotland caused by organisations based outside Scotland, and to deaths caused outside Scotland by organisations based in Scotland.

However with respect to individuals who are directly responsible, possible prosecutions on the common law offence of culpable homicide was preferable.

