

Juridical News

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Employment Focus

Pensions - Age Discrimination Regulations

As you know the Pensions Section of the above had its implementation date delayed until 1st December 2006 due to employers concerns on the complexities.

Whilst the Regulations made it possible for employers to 'objectively justify' any possible discrimination in their current pension schemes it would have meant every pension scheme would have had to set out its justifications and everyone would have had to await the outcome of test cases before the courts to be certain what was and wasn't allowable.

The Government have now placed amended regulations before parliament in a bid to sort some of these problems out but as the EU Directive requires matters to be in place by 2nd December 2006 the Government is attempting to gain a 'compliance window' to provide employers and trustees more time to adjust.

Revised government guidance will shortly be available to assist anyone with their pension scheme.

Equal Pay

In the recent decision at the European Court of Justice in *Cadman v Health & Safety Executive* on the issue of discrimination in relation to equal pay between men and women it was clear that the onus remains on employers to show they are not discriminating in cases where the employer pays different rates to men and women for the same job on the grounds of long service.

The ECJ's ruling makes it clear that a pay system under which employees with long service and more experience get higher pay than those with less service and experience **does not**, save in 'inappropriate cases' infringe European Equal Pay rules or the Equal Pay Act 1970. That holds true even though in this instance most of the shorter service, less experienced employees are female.

Colourblindness

A Form of Sex Discrimination

Strathclyde Policy are under fire again. This time over the rejection of recruits who were colourblind.

Eight separate recruits over a period of two years were rejected for the same reason. For some individuals the disability causes a condition that means the only problem caused is that of differentiating between shades of green.

The issue revolves around whether colourblindness is a disability or not under the Disability Discrimination Act. To be a Disability under the Act depends on whether it has a substantial long-term effect on the person's ability to carry out normal day-to-day activities and so any reasonable adjustments made under the DDA would depend on the individual concerned.

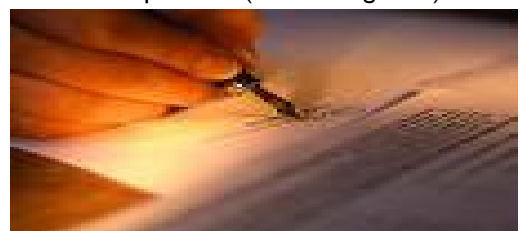
It will be interesting to see how the Tribunal determines the outcome.

Statutory Code on Racial Equality

From 6th April this year the Commission for Racial Equality's new code took effect in England, Scotland and Wales. It is important to note that whilst the code does not have the force of law, any employment tribunal will take the code's recommendations into account as evidence.

The two main recommendations are that employers should have:

1. an equal opportunities policy from recruitment to dismissal, and
2. draw up an action plan to put policy into practice. (www.cre.gov.uk)



Consultation on Pensions

The Information and Consultation Regulations 2005 extend they remit as from April 2007. Since April this year employers with 150 or more employees had an obligation to inform and consult employee representatives about certain changes to pension entitlements. This obligation now extends to employers with 100 employees or more in 2007. Any such consultation must begin at least 60 days before the changes come into force. This could potentially have implications for the timing of any consultations relating to TUPE transfers since changes in pension entitlements frequently occur as part of such arrangements.

If you are likely to be in that situation and require assistance why not come along and participate in our seminar on the Regulations and gain an understanding of what is required by your organisation. See below for details or visit our website on www.juridical.co.uk/professionaldev



Legislation taking Effect in 2007

Parts of the Work and Families Act come into force on 6th April.

It extends paid maternity leave from six to nine months for employees with an expected week of childbirth that is on or after this date. In addition it allows fathers to take up to six months' additional paternity leave, with paternity pay at the standard rate provided the mother returns to work before taking her full entitlement to statutory maternity pay and maternity allowance. Finally it extends the right to request flexible working to employees who care for sick or elderly relatives.

Data Protection Act of 1998 takes full effect on 24th October

The remaining part relating to manual filing systems in existence before 24th October 1998 must now comply fully with the Directive.

Commission for Equality and Human Rights formalised in October

The Government's new single equality body is introduced to replace the Commission for Racial Equality, Equal Opportunities Commission, Disability Rights Commission and indeed will cover all forms of workplace discrimination.

Be Prepared

The Government propose to extend paid maternity leave to 12 months during 2009 or 2010.

Seminars for 2007

Book your place now

27th February	How to Avoid going to Tribunal (An Introduction to Employment Law)
1st March	Information & Consultation
4th April	Managing Problem People
7th June	Performance Appraisals
12/13th September	Employment Law (Workshops)
7/8th November	Coaching & Mentoring

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