



**WORKMATTERS**  
The natural choice for human resources

# NEWSMATTERS

April 2015

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**WELCOME TO THE SECOND  
NEWSLETTER FOR 2015**

Our newsletter is issued to you quarterly to ensure that you can be kept up to date with employment issues. We offer helpful hints on how to handle situations within the workplace, but never be afraid to give us a call for both guidance and support. All newsletters are on the website [www.workmattershr.co.uk](http://www.workmattershr.co.uk) ensuring easy access to current information just click on the newsletter you wish to view.

This Quarter the focus is on the changes in law which will affect your business during the next quarter.

We also focus on the future and legislation currently in Parliament.

Our helpful tip this month is giving you information about a change in law based on the taking of drugs and then driving. This law is running in parallel with the drink driving laws and if you have employees who drive for your business you should be highlighting the new law as well as reviewing your policies in line with the changes.

We think you'll find the articles interesting. Please call us on **01442 870742** to discuss any of these articles and see how we can help you and your business more effectively in the field of Human Resources. Alternatively have a look at our website [www.workmattershr.co.uk](http://www.workmattershr.co.uk) and email us from there or on [info@workmattershr.co.uk](mailto:info@workmattershr.co.uk).

If you would prefer not to receive any future newsletters from Work Matters (HR) Ltd, please reply to this email with 'unsubscribe' in the title and we will remove you from our list - thank you.





## Statutory Payment for Maternity, Adoption and Paternity and Sick pay.

- Statutory sick pay (SSP). The rate of pay will be £88.45 p.w. (increased from £87.55 p.w.).
- Statutory maternity pay. 90% of the woman's average weekly earnings (AWE) for the first six weeks of the maternity pay period followed by the lower of 90% of average weekly earnings or £139.58 p.w. for the remainder.

- Statutory adoption pay. Where the child is placed for adoption before 5 April 2015, the lower of 90% of AWE or £139.58 p.w. Where the child is placed for adoption on or after 5 April 2015, 90% of AWE for the first six weeks of the adoption pay period, followed by the lower of 90% of AWE or £139.58 p.w.

- Ordinary statutory paternity pay. The lower of 90% of AWE or £139.58 p.w

Employers who qualify for the small employers' rate of reimbursement can recover 103% of the payments of the SMP, OSPP, ASPP and SAP that they pay out.

# Employment Law Update

## Tribunal Awards

New tribunal compensation limits have been announced. The capped award for unfair dismissal increases from £76,574 to £78,335; the maximum basic award for unfair dismissal and statutory redundancy pay rises from £13,920 to £14,250; and the limit on a week's pay (used for calculating basic awards for redundancy and unfair dismissal) rises from £464 to **£475**. The new rates apply from 6 April 2015.

## National Minimum Wage

The Low Pay Commission, the body that advises the government on setting the National Minimum Wage, has released its suggested increases for this year. If the recommendations are accepted by the government the rate for workers aged 21 and over will rise by 3 per cent to £6.70 an hour; the rate for workers aged 18-20 will increase by 3.3 per cent to £5.30; workers aged 16-17 will see a rise of 2.2 per cent to £3.87; and apprentices' minimums go up by 2.6 per cent to £2.80. Confirmation of the new increases will take effect from **1 October 2015**.

New regulations for the National Minimum Wage are in force from 6 April. The regulations consolidate 20 amendments that have been made since the minimum wage was first introduced and don't represent any changes in policy.

## Family Leave

The pivotal 'due date' for the shared parental leave rules is 5 April 2015, which means the parents of babies born in the next weeks will be the first to benefit from the new arrangements, provided both parents qualify. The government says around 285,000 couples are expected to be eligible, but the government predicts a take-up of only 5,700 couples in the scheme's first year.



# Employment Law - The Future

The shared parental leave rules are designed to encourage more dads to play an active role in the upbringing of their children, but the financial situation in the home will be the greatest influence on who takes it up. Many businesses have been slow to prepare themselves for this important change and in doing so have left themselves open to the of mishandling requests and inviting claims for discrimination.

Statutory paternity leave is unchanged by the new shared parental leave rules. The Labour party has recently pledged to double its current length from two weeks to four, and raise the statutory paternity pay rate by £100 to £260 a week, if it forms the next government.



## Parental Leave

From **5 April 2015** parents can take parental leave (which is unpaid) up to their child's 18th birthday – previously it was only available until the child was five years old. Parents can take a maximum of four weeks in any one year.

## Criminal Records

On 10 March Section 56 of the Data Protection Act 1998 is in force (delayed from its predicted implementation date of December 2014). The provision makes it a criminal offence to require someone, perhaps a job applicant, to access and provide information on their criminal record. Employers have been known to make it a condition of employment. The practice is referred to as 'enforced subject access', and the Information Commissioner's Office has now produced guidance on how the prohibition operates.

## Recent case law of interest

Two recent cases have broken new ground in employment terms. In the case *Rubins v Latvia*, the European Court of Human Rights decided that dismissing an employee for sending emails criticising management was an unjustified interference with the employee's right to freedom of expression. The Equality and Human Rights Commission has published new legal guidance, prompted by the Charlie Hebdo murders in Paris, on freedom of expression to help address "muddle and misunderstanding" over rights in this area.

In the UK, an employment tribunal has heard the first case involving 'vaping', the term describing the use of e-cigarettes. It decided a catering

company's decision to discipline a catering assistant for vaping on school premises, in full view of pupils, was reasonable, but the tribunal raised a 'point of concern' over the school's no-smoking policy neglecting to include e-cigarettes.

## Small Business, Enterprise and Employment Bill

This bill is currently progressing through Parliament. It contains provisions on:

**Equal pay reporting** – the government has added an amendment introducing mandatory equal pay reporting for companies employing 250 or more. The provision, which is likely to be accepted by Parliament, will stipulate that regulations bringing in the change should be made within 12 months of the bill becoming an Act.

**Zero hours** – defines zero hours contracts and makes 'exclusivity clauses' (tying the worker to one employer) invalid. Regulations banning exclusivity in zero hours and other employment contracts without a guaranteed weekly income are now in draft form.

**Enforcing tribunal awards** – creates an additional financial penalty (payable to the state, rather than claimants) for employers that fail to pay compensation awarded by tribunals. The fine will be 50 per cent of the outstanding award, subject to a cap of £5,000

**National Minimum Wage** – maximum penalties for underpayment will rise as a result of being assessed on a per worker basis rather than being linked to each enforcement notice

**Whistleblowing** – bodies receiving disclosures will be required to report annually on whether those disclosures have been investigated

**Exit payments** – the state will be given the power to 'claw back' termination payments to public sector executives returning to the same area of work within a short period of time

**Tribunal adjournments** – limits will be placed on the number of adjournments possible and judges will be able to make cost awards if applications for adjournments are late.



## Caste Discrimination – Equality Act

This aspect of discrimination is to be covered by the race provisions in the Equality Act 2010, but this will require further regulations, provisionally time tabled for summer 2015.

# Helpful Point

## DRUG DRIVING LAWS

### Have you considered a policy for your business on this new change?

It is illegal to drive if your driving is impaired by drugs or if you have certain drugs above a specified level in your blood. Many companies have a policy to cover them for employees who get caught for drink driving but what about drugs?

If the police stop you and think you're on drugs they will either test you at the roadside using a drug screening device or a "Field Impairment" test to assess your ability to drive.

If drugs are detected in your system or you are deemed impaired by drugs, you'll be arrested and taken to a police station for blood or urine tests. If the tests show you've taken drugs or show a specified drug above the specified blood limits you could be charged with drug driving.

You don't have to be on illegal drugs to be impaired to drive – prescription or over-the-counter medicines can also impair your ability to drive. If you're taking medicines, talk to your doctor, pharmacist or healthcare professional before driving.

### Changes to the drug driving law

On **2 March 2015** the drug driving law changed to make it easier for the police to catch and convict drug drivers.

It is now an offence to drive with certain drugs above a specified level in your blood - just as it is with drink driving. Sixteen legal and illegal drugs are covered by the law, including cannabis, cocaine, ecstasy and ketamine. The limits for all illegal drugs are extremely low – taking even a very small amount of an illegal drug could put you over the limit.

The new offence will work alongside the existing offence of driving whilst impaired through drink or drugs

### The consequences

The penalties for drug driving are the same as for drink driving. If you are convicted you will receive:

- A minimum 12-month driving ban
- A criminal record
- A hefty fine or up to 6 months in prison or both



The consequences of a drug drive conviction are far reaching and can include:

- Job loss
- Loss of independence
- The shame of having a criminal record
- Increase in car insurance costs
- Trouble getting in to countries like the USA

## How drugs impair driving

Driving under the influence of drugs is extremely dangerous and can affect driving skills in a number of ways.

Cannabis users often think they are safer when they are under the influence because they drive more slowly. However, cannabis slows reaction and decision times. It can also distort perception of time and distance,

and result in poorer concentration and control of the vehicle.

Cocaine leads to a sense of over-confidence and this is reflected in user's driving style. Users typically perform higher risk, more aggressive manoeuvres at greater speeds.

Ecstasy (MDMA) is extremely dangerous to drive on because it results in distorted vision, heightened perception of sounds, altered perception and judgment of risks and an over-confident driving attitude.

During the phase whilst the effects of any illegal drugs are wearing off the user may feel fatigued, affecting concentration levels.

Driving in any of these conditions is a bad idea – not just for the driver but for their passengers and other road users.

## THINK! Advice

**If you take illegal drugs, plan how to get home without driving as the Government is cracking down on drug drivers.**

Consider your options and make plans by saving a taxi number to your phone, having a designated driver, or finding out about options for public transport before you go out.

**Some legal medication might affect your ability to drive safely.**

Do not drive if you feel drowsy, dizzy, unable to concentrate or make decisions, or if you have blurred or double vision. Check with your doctor or pharmacy team if you think you are affected.

**Taking a mixture of drugs to 'sharpen up' doesn't work**

– in fact, combining drugs can have dramatic and unpredictable effects on a user's state and ability to drive

**Don't accept a lift from a driver you know has taken drugs**

For more information visit [www.gov.uk/drug-driving-law](http://www.gov.uk/drug-driving-law)



**Thank you for taking the time to read our Newsletter which I hope you found informative. An e-newsletter will be sent on a quarterly basis to help keep you up to date with current legislation changes, as well as giving you some helpful hints and tips to help your business run smoothly.**

In the meantime please contact us if we can be of service to you or your company.

Have an enjoyable quarter and we look forward to issuing you with our next newsletter in the early part of July 2015.