



# PEOPLE matter



## Snow excuse for being late

We may have been dreaming of a white Christmas but icy roads and disrupted public transport are an employer's worst nightmare. With more snow forecast in some areas, many businesses are still facing the problem of how to deal with employees who can't get to work because of severe weather conditions. Add to this, problems with childcare arrangements because the schools are closed or staff that arrive late or even not at all due to disruptions to public transport, and even the most composed of employers can end up frustrated. Essentially, as an employer, you pay staff for the work that they do. A failure to pay an employee who does not make it in to work or who arrives late is not an unlawful deduction of wages because there is no automatic right to any such payment. That said, in practice, things aren't quite as black and white. If you insist a member of staff come into work, and they subsequently have an accident, or you send drivers out in unsafe driving conditions, you may be risking health and safety claims or even corporate manslaughter. We suggest you take a reasonable approach. Here are our sensible suggestions:

- first encourage employees to explore alternative means of transport
- consider whether employees could usefully work from home
- find a way that the time could be made up at a later date
- could you provide a lift
- employees could take paid annual leave if they wish to be paid for the time off

Remember many staff will go the extra mile and make difficult journeys. Do remember to say thank you.

## First time fall for unfair dismissal award

The maximum amount that an Employment Tribunal can award in compensation for unfair dismissal has fallen for what is believed to be the first time. From February 2010, the maximum award for unfair dismissal will fall from £66,200 to £65,300. This is to reflect a fall of 1.4% in the retail price index (RPI) from September 2008 to September 2009. The compensation caps are linked to the RPI. It is believed that this fall will be welcomed by businesses. Particularly those companies who take the view that employment law is designed more for employees than employers. However, compensation orders will not be reduced to reflect the reduction in the cap. It will only affect those whose compensation awards are at or higher than the cap.



### GUILDFORD OFFICE

Ruth Sangale  
ruth.sangale@hrdept.co.uk

3000 Cathedral Hill  
Guildford  
Surrey  
GU2 7YB

T 0845 634 9150  
M 07762 740 188

People Matter is a regular bulletin for business owner/managers who want the staff, but don't want the hassle of dealing with all the red tape that comes with them.

If this was forwarded to you, and you'd like to receive more bulletins on getting more from your team, please email with 'People Yes' in the subject line. If you no longer wish to receive bulletins from us, please email with 'People No' in the subject line.

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# Looking forward to the year ahead



Here are some important changes which will take effect in the New Year.

## Changes to statutory rates

The Department for Work and Pensions has published some of the key employment-related statutory rates for 2010. The standard rates of statutory maternity, paternity and adoption pay will increase from £123.06 to £124.88 per week from 4th April 2010. Unusually, statutory sick pay, which normally increases on 6th April, will stay the same. It will continue at the rate of £79.15 per week in 2010.

## Time off for trade union duties

The Acas revised Code of Practice on time off for trade union duties and activities, has been approved by Parliament and came into effect on 1st January 2010. Two new guides are available. The first of the guides deals with managing time off for union representatives, the second with time off for non-union representatives. The guides will be available in print when the Code comes into effect but, in the meantime, can be downloaded from <http://www.acas.org.uk>

## Union blacklisting

The Government will make it unlawful for employers to deny employment to workers who appear on a trade union blacklist. Between January and April 2010, the Government's intention is to bring in to force regulations that prohibit trade union blacklisting.

## Immigration rules to be tightened

Jobs will have to be advertised in a job centre for four weeks before they can be offered to workers outside Europe. The minimum salary required for someone to qualify as a skilled worker will increase from £17,000 to £20,000. Overseas workers who want to transfer to a UK branch of their company will have to have worked for an overseas subsidiary for 12 months, instead of the current 6 months. These changes will come into effect in April 2010.

## Right to request time off for training

Employees who have worked for their employer for 26 weeks will have the right to request time off work for relevant training. This could be an accredited programme leading to a qualification or an unaccredited programme to help develop a particular skill relevant to their work. The Bill will be introduced in April 2010 for businesses with more than 250 employees and will be extended to all businesses in April 2011 or later.

## Fit notes replace sick notes

From April 2010 sick notes are to be replaced with Fit notes. In addition to advising that someone is fit or not fit for work, doctors will be able to advise that they "may be fit for some work now".



## Health and safety babies

Most business managers express concern about the plethora of legislation surrounding all aspects of maternity. One that is often overlooked is health and safety. Under health and safety legislation a pregnancy risk assessment should be undertaken if you employ anyone of child bearing years.

However, all jobs inevitably have different risks and so as soon as you are notified that an employee is pregnant, a specific risk assessment should be undertaken. The assessment should look at any potential problems and identify changes that may be needed to protect the mother and the unborn child. These may be: lifting or carrying heavy loads, standing or sitting for long periods, lack of lifts in listed buildings, exposure to toxic substances, long working hours. Where you are unable to minimise the risk, the employee may be offered suitable alternative work or if none is available you can suspend the employee on full pay for the duration of the pregnancy. Whatever happens, you must not treat the employee less favourably than any other employee as this would be viewed as discrimination and would be extremely expensive for the business. If you would like help with risk assessments we can arrange for our Health and Safety Dept to contact you.

## VITAL STATISTICS

Employment and litigation issues

### STATUTORY PAY (rates are reviewed each April)

**Maternity/Adoption pay** – SMP/SAP is paid for 39 weeks. Pay rate for first 6 weeks of SMP: 90% of the employee's average weekly earnings. SMP remaining weeks/SAP: £123.06 or 90% of average weekly earnings, whichever is less.

**Sick pay** – £79.15 a week

### REDUNDANCY PAY (next review February 2011)

**Pay rate** – 0.5 weeks pay for each year of service for employees aged under 22 (a weeks pay is calculated at £380 or the weekly amount if it is less). 1 weeks pay for each year of service for employees between the ages of 22 and 40. 1.5 weeks pay for each year of service for employees aged 41 and older.

### NATIONAL MINIMUM WAGE (reviewed each October)

**Hourly pay rate** – £5.80 workers aged 22 and older, £4.83 workers aged 18 to 21, £3.57 workers aged 16 to 17.