

“ Plain speaking legal advice ”

Employment Law Changes

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The limit on the maximum compensatory award for the unfair dismissal and the maximum amount of a week's pay for the purpose of calculating the basic award for unfair dismissal and a redundancy payment all increased as from 1st February 2008.

The increases are as follows:

Provision		Old Limit	New Limit
Maximum amount of the basic award of compensation where dismissal is unfair	-	£9300.00	£9900.00
Limit on amount of compensatory award for unfair dismissal	-	£60,600.00	£63,000.00
Maximum amount of a week's pay for the purpose of calculating a redundancy payment or for the basic award of compensation for unfair dismissal	-	£310.00	£330.00

The changes may not look enormous but if an employee can prove they have been unfairly dismissed then the maximum award they can claim can amount to £72,900, not an insignificant sum. An employer will on top of this have legal fees and the cost of time invested in handling the matter.

Clearly, it is therefore important to ensure that any dismissals are conducted properly and are fair within the meaning of the employment legislation, as a failure to do so could prove very expensive indeed. For example it is important that disciplinary procedures are followed correctly or a dismissal could be found to be unfair.

These are not the only changes taking place in the next 12-18 months. There are a number of new rules and regulations coming into force that employers need to be aware.

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Employment Law Changes in The Coming Months

6 April 2008

The Corporate Manslaughter and Corporate Homicide Act 2007 creates a new offence of corporate manslaughter which will allow organisations to be prosecuted for management failures that lead to the deaths of employees and others;

The Information and Consultation of Employees Regulation 2004 is extended to cover businesses with 50 or more employees;

The Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 is extended to cover businesses with 50 or more employees, ensuring that employers consult with prospective and active members of pension schemes and their representatives before making any major or significant changes to future pension arrangements.

The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2007 will introduce new provisions aimed at protecting agency workers.

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The minimum statutory holiday entitlement increases to 28 days.

The Employment Bill, which was published in December 2007, will repeal the Statutory Dispute Resolution Procedures, which were set out in the Employment Act 2002; this is expected to come into force during April 2009.

If you would like further information on any of these matters or wish to discuss how they might affect your business please contact Ashley Holden at aholden@herrington-carmichael.com or telephone 01189 774045

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