



WORKMATTERS
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NEWSMATTERS

January 2009

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**WELCOME TO THE FIRST
NEWSLETTER FOR 2009**

Our newsletter is issued to you quarterly to ensure that you can be kept up to date with employment issues. We will 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.

This Quarter the focus is on changes in law which may affect your business during 2009, The Employment Rights (Increase of Limits) Order 2008 – which is the increase in compensation and redundancy amounts from 1st February 2009. The Points based Immigration system for students will be introduced in the Spring (date to be confirmed). The Increase to annual leave from 1st April 2009. Increase to the values of SSP, SMP, SAP and SPP in April 2009. The Employment Act 2008.

Will amend the current dismissal, disciplinary and grievance procedures. Our helpful point this month is about long term sick employees.

We think you'll find the articles very 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 and email us from there or on 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.



CHANGE FOR 2009

The Employment Rights (Increase of Limits) Order 2008

On the 1st February the maximum compensation that can be awarded in an unfair dismissal case will increase to £66,200. The maximum weekly pay to be taken into account when calculating statutory redundancy payments and the basic award in unfair dismissal claims will increase to £350 from £330.

The Immigration System

If you are planning to recruit skilled workers from outside Europe you must register with the UK Border Agency as a sponsor before you can bring migrant workers from outside the EEA into the UK to work.

As a condition of keeping your licence, sponsors will need to alert the UK Border Agency if immigrants do not comply with their immigration conditions. The latest tier to be introduced into the system is number 4 (tier 1, 2 and 5 are in place) which applies to students wanting to work in the UK.

The Statutory Annual Leave Entitlement

From the 1st April all employers must give their employees 28 days holiday (this is capped) which includes bank holidays (equivalent to 5.6 weeks). If you already give your employees this level of leave please note that if they do not take this in any year no leave can be carried forward or paid in lieu the leave will be lost. If you give your employees more than the statutory minimum only the leave over and above the minimum can be carried forward to the following year.



Statutory Payment for Maternity, Paternity and Adoption and Sick pay

The above will all increase subject to Parliamentary approval in April.

SMP, SAP and SPP the flat rates will increase to £123.06 per week (or 90% of average weekly earnings if less).

The flat rate for SSP will increase to £79.15 per week, again this is subject to Parliamentary approval.



Employment Act 2008 – repealing the statutory dismissal, disciplinary and grievance procedures

(These are contained in the Employment Act 2002 and the related procedurally unfair dismissal rules in the Employment Act 1996.)

The existing 3 step procedure will be repealed and replaced by a newly revised code of practice which will make dealing with disputes in the work place easier. The approach will involve a free early conciliation service with ACAS called pre-claim conciliation for disputes that could potentially develop into costly tribunal claims. Employment Tribunals will be able to alter awards by up to 25% where an employer or employee unreasonably fails to comply with it. The Act will also introduce penalties for employers who have paid below the national minimum wage and workers will be entitled to have arrears of wages repaid at current rates.

For further advice and support in changing your company policy on any of the above click on the link www.workmattershr.co.uk or call **01442 870742**.

Helpful Point

WORKERS ON LONG-TERM SICK LEAVE NOW ACCRUE HOLIDAY PAY

The European Court of Justice ("ECJ") has now decided that workers on long-term sick leave are entitled to accrue paid annual leave during that period, under the Working Time Regulations.

The consequence of this decision for Organizations' is that their employees will continue to accrue annual leave during their sickness absence. In addition, if the employment of those employees ends before they have been able to take their full holiday entitlement, they are entitled to payment in lieu.

This was a UK case where the claimants had been absent from work on long-term sick leave and had exhausted their entitlement to contractual and statutory sick pay. The ECJ decided that a worker cannot be deprived of their right to take annual leave when the worker has not had the opportunity to exercise that right, and that a worker who has been absent for the whole of the holiday year who is not allowed to carry-over holiday, has been denied the right to paid holiday. The Court also concluded that the same rules would apply to a worker who has been absent for part of the year.

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 April 2008.

