

Employment: What to expect in 2014

A number of important employment law changes are being made in 2014:

January

TUPE reforms

New TUPE Regulations have introduced significant changes to the laws relating to the transfer of undertakings. Importantly, the changes include an amendment providing that a change of location on transfer of an undertaking amounts to an economical, technical or organisational reason for a dismissal (so dismissals not automatically unfair) and an increase to 28 days prior to a transfer on the obligation for the transferor to provide employee liability information to the transferee.

April

The following changes come into force on 6 April 2014:

Extension of right to request flexible working

The right to request flexible working will be extended to all employees with not less than 26 weeks' service, not just those with caring responsibilities. The statutory process for considering requests is to be replaced with a duty to deal with the request in a "reasonable manner".

Mandatory pre-claim conciliation

As part of the government's plans to make the tribunal system more efficient, potential claims will have to be submitted by a claimant to ACAS before they can be lodged with the employment tribunal. Employees and their employers will be offered the opportunity for pre-claim conciliation for a period of one month. The period of pre-claim conciliation stops the clock for claims to be submitted.

Abolition of discrimination questionnaires

The statutory questionnaire procedure will be abolished. Therefore, there will be no formal process for requesting specific information prior to initiating a discrimination claim.

This note is intended for general guidance only and it is important to consider the effect of the provisions with reference to the facts of each particular case. Whilst every effort has been made to ensure that the information contained in this briefing is correct it is intended as a guide only and should not be relied upon when embarking on any tax or estate planning exercises. Specialist legal advice should always be sought so that all the factors specific to your circumstances can be taken into account.

Employer fines

Fines of up to £5,000 will be introduced, payable to the Secretary of State, if an employer loses an employment tribunal claim and the employer's conduct has "aggravating features". There is no definition in the legislation of what will amount to "aggravating features". There is a 50% discount for prompt payment within 21 days.

During 2014

Introduction of compulsory equal pay audits

If an employer loses a gender related pay claim, the employment tribunal will have the power to order a compulsory equal pay audit of that employer.

New approach to managing sickness absence introduced

The Health and Work Service is to be introduced, offering free occupational health assistance to employees, employers and GPs, including an independent assessment of employees who have been off sick for four weeks or more. The government has indicated that the new service may be delivered in spring 2014, but there is no confirmed date as yet.

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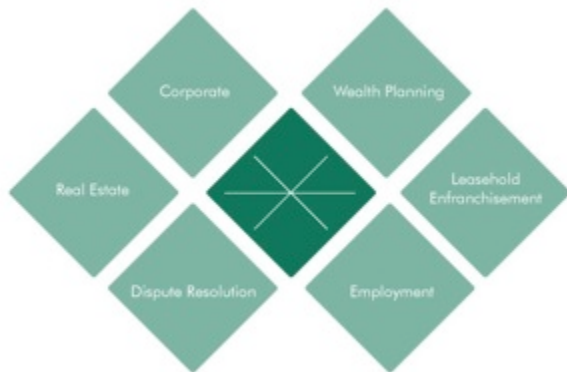
If you would like more information on the above, or any related matter, please contact a member of Rooks Rider Solicitors' Employment team.



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