



No Smoking

With the implementation of the Health Act in England in July 2007 virtually all enclosed public places and workplaces will become smoke-free environments. Employers are advised to give consideration to these forthcoming changes now, in terms of assessing if existing smoking facilities comply with the legislation. Consideration also needs to be given to displaying 'no smoking' signs in workplaces and company vehicles, clearly stating that it is a smoke free area. Smoking policies will also need to be put in place setting out the actions that will be taken against anyone found to be flouting the ban.

Information and Consultation

Firms employing 100 or more employees are reminded that employer obligations under the Information and Consultation of Employment (ICE) Regulations will be extended from April 2007. The regulations, which carry penalties of up to £75,000 for non-compliance, previously only applied to employers with more than 150 staff, give employees rights to be informed and consulted on a regular basis about issues in the business for which they work. The requirement to inform and consult employees does not operate automatically; it is generally triggered by a formal request for an agreement or by employers choosing to start the process themselves. Smaller businesses should be aware that in April 2008 the obligations will be extended to cover employers of 50 or more staff.

Paid Bank Holidays

From 1 October 2007, the current four week minimum holiday entitlement will increase for all workers to 24 days and then to 28 days in 2008. Part-time workers will receive a pro-rata entitlement and where workers normally work on bank holidays, they can continue to do so, provided they are offered sufficient paid time off at another time. Employers with holiday years commencing after 1 October will initially need to calculate entitlement as a proportion of the days left in their holiday year although there is no obligation to round the figure up to the nearest full day.

Statutory Rate Increases from April 2007

Employers are advised that from 1 April 2007 the standard rates of statutory maternity, paternity and adoption pay are increased to £112.75 per week. The rate of statutory sick pay is increased to £70.05 per week from 6 April 2007.

New Maternity and Adoption Rights

With effect from April 2007 the Work and Families Bill will introduce considerable changes to maternity and adoption leave and pay and flexible working for carers. The key changes were detailed in our Work and Families Bill update in January. To obtain a copy of this briefing, please contact your consultant.

The Employment Equality (Age) (Consequential Amendments) Regulations 2007

These regulations come into force on 6 April 2007 and make a number of amendments to other legislation in response to the introduction of the Employment Equality (Age) Regulations 2006. The amendments therefore specifically relate to potential age discrimination and include:

- the amendment of the Employment Rights Act 1996 so that it will be automatically unfair dismissal if the reason for dismissal is the employee exercising or seeking to exercise their right to accompany, or to accompany another to a meeting to request working beyond retirement
- the amendment of the Employment Act 2002 (Dispute Resolution) Regulations 2004 to ensure that age discrimination complaints are dealt with in the same way as complaints under any other discrimination legislation.