

employment law Outlook



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Spring 2010

The Employment Law Team



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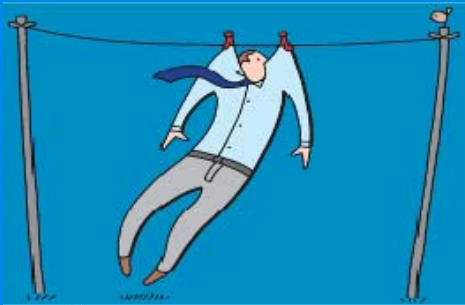
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Welcome to the first Employment Law Outlook of 2010.

As usual, if you need more advice on any of the topics featured in our e-newsletter, don't hesitate to contact any member of the Employment Law team.



strung
out by
employment law?

Carrying over holiday entitlement to a new holiday year

Two recent cases have considered the ability of employees to carry forward Working Time Regulations holiday.

In January 2010, the EAT ruled in the case of *Lyons v Mitie Security Ltd* that it is possible for workers to lose their right to statutory holiday under the Working Time Regulations 1998 if they do not comply with the employer's fairly operated contractual or statutory notice arrangements for holiday.

However, the EAT pointed out that employers should be aware that an unreasonable refusal to grant an employee leave will give the employee a right to raise a grievance. [Read more](#)

Disciplinary Procedures – Latest Cases

Right to legal representation at disciplinary hearings

Employers should now consider revising their disciplinary procedures to allow legal representation for certain professional workers facing dismissal, either at a disciplinary or appeal hearing. [Read more](#)

Staff Training on what "gross misconduct" means

As part of a fatal accident inquiry, the disciplinary procedures of NHS Fife have been criticized. Having been told that he might be dismissed, a 36 year old man from Kirkcaldy committed suicide the day before a disciplinary hearing. [Read more](#)

Dismissals – compensation

From 1 February 2010, the maximum compensatory award for unfair dismissal is £65,300.



Time off Rights

Time off for Training Employees are to be given a new right to apply for time off to take part in work-related training.

Additional Paternity Leave The government plans to give a right to fathers and partners of those giving birth or adopting a child to share the maternity or adoption leave and pay if the mother or adopter returns to work early.

SMP, SPP and SAP rates Changes from 4 April 2010.

Extension of Statutory Maternity Pay This planned extension has been postponed.

[Read more](#) about all these changes.

Sick Pay Update

From April 2010, the current doctor's "sick note" will be replaced. GPs will be able to advise on the new form whether it would be appropriate for the employee to do some work. [Read more](#)

Equality and Diversity News

Equality Bill

The Equality Bill aims to harmonise and in some cases extend existing discrimination rules on "protected characteristics" of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. [Read more](#).

Age Discrimination in Job Advertisements

A 54 year old man from Bristol has reportedly banked thousands of pounds by bringing at least 60 employment tribunal claims for age discrimination. He targeted employers who advertised jobs as being suitable for "recent graduates" or "school leavers", despite not actually applying for the roles. [Read more](#)

Agency workers – new rights

Under legislation laid before Parliament in January 2010, agency workers who have worked for an employer for 12 weeks will have new rights to equal treatment on pay, bonuses related to personal performance and holidays. [Read more](#)

DATES FOR YOUR DIARY—The next Thorntons Employment Law Seminars will take place on **19 and 20 May**—More details and booking arrangements will be announced shortly. [Email us to make sure you receive details.](#)



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