

ALL CHANGE! New rules that come into effect from the beginning of October concerning employment practice

This month sees a wealth of new employment legislation taking effect. Listed below is a summary of the changes which are due to commence from the beginning of October:-

1. **Disciplinary and Grievance Resolution Regulations**

These Regulations introduce minimum statutory procedures governing dismissal, disciplinary and grievance disputes in the workplace. The rules are extremely important because a minor breach of the Regulations may lead to a finding of automatic unfair dismissal with a consequent increase of between 10-50% in any compensation awarded. It is important that anyone involved in the management of staff are familiar with the new regulations. The new Regulations should be read in conjunction with the new Discipline and Grievance Code of Practice issued by ACAS which can be found on their website at www.acas.org.uk.

2. **Changes in employment tribunal practice and procedure**

These new rules include:-

- changes in terminology (e.g. Applicant now called a Claimant);
- a requirement that the Tribunal shall not accept any claim (or response) if they do not contain all of the "required information";
- changes in the time limit for responding to a claim (the response must now be presented to the Tribunal within 28 days of the date on which the claim was sent to the Respondent rather than within 21 days of receipt of claim);
- the Tribunal having the power to enter default judgement where no response has been lodged;
- a new conciliation period will now be imposed in most cases (save for discrimination, equal pay or claims under the whistle-blowing legislation);
- new rules dealing with wasted costs orders and costs generally.

3. **Annual revision of National Minimum Wage**

The following increases to the NMW will take place on 1 October 2004:-

- Main (adult) rate for workers aged 22 and over increases from £4.50 an hour to £4.85 per hour.
- The development rate for workers aged 18 to 21 inclusive is increased from £3.80 an hour to £4.10 per hour.
- Finally, the Government has accepted the Low Pay Commission's recommendations for a new rate for 16 and 17 year olds. They will be entitled to £3.00 per hour.

For details on the compulsory school age, you can seek guidance from the DTI website, www.dti.gov.uk/er/nmw.

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4. **Changes to disability discrimination legislation**

A number of changes are being brought in from October. The principle changes to note are:-

- The small employer exemption will be removed so that employers with less than 15 employees will now have to comply with the DDA.
- The “justification defence” in respect of an employer’s failure to make reasonable adjustments will be removed.
- There are new definitions for “disability discrimination” and “harassment”.
- Protection is now extended to partners of firms and others.
- Reasonable physical adjustments to premises must now be made to premises where goods or services are offered to the public.

5. **Equal pay**

New regulations have been brought into play to simplify and streamline the complex rules of procedure relating to these difficult cases. The aim is to speed up the independent expert procedure that presently can cause delay.

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Readers are advised to take specific advice before acting in reliance on the matters set out in this briefing.