

'Modern Workplaces' consultation launched

The Government has today launched its 'Modern Workplaces' consultation, which will run until 8 August 2011. Some of the main proposals are set out below, and if implemented, they would have a significant impact on employers.

Parental leave

It is proposed that 18 weeks maternity leave be available to be taken in a continuous block around the time of birth, and that the current statutory maternity pay and maternity allowance arrangements for this period be retained, along with two weeks ordinary paternity leave and pay. However, the balance of existing maternity leave would be reclassified as parental leave. Each parent would have four weeks' paid leave exclusive to them, with the remaining weeks available for either parent on an equal basis. It is proposed that similar provisions would apply for adopters and same-sex couples. The existing right to unpaid parental leave after the child's first birthday would be incorporated into the new scheme.

Flexible working

It is proposed that the right to request flexible working be extended to all employees with at least 26 consecutive service and that the existing statutory process for considering requests be replaced with a duty to consider requests 'reasonably' alongside a new code of practice. It is also proposed that employers be permitted (but not compelled) to prioritise competing requests in order to take account of the employees' personal circumstances, but it would still be necessary to demonstrate that they could not be accommodated on business grounds.

Holiday

Decisions by the European Court of Justice have established that workers who cannot take their holiday due to sickness absence or maternity or parental leave in the current holiday year must be able to carry it forward into the following leave year.

It is proposed that employers be able to limit the ability to carry over holiday of someone who has had sickness absence to the 4 weeks required under the Working Time Directive (i.e. excluding the additional 1.6 weeks given by the Working Time Regulations and any further contractual holiday) and to insist that where possible, holiday which is not taken as a result of sickness absence be taken in the current leave year as opposed to being carried forward.

Equal pay

It is proposed that employers which are found by a tribunal to have discriminated on the grounds of sex with regards to pay be required to carry out an equal pay audit, unless it would not be productive to do so. Views are sought as to the appropriate sanction for failure to comply with such a requirement.

If you are an employer we can –

- identify areas where you may be at risk and help you to address them
- support you with advice on day to day and major issues
- defend you against employment related claims
- revise your employment documentation and procedures
- provide training to your staff
- improve your health and safety compliance
- keep you informed on developments in the law and best practice
- draft compromise agreements for you to give employees and negotiate with their representatives.

If you are an employee we can –

- bring any employment related claims for you
- negotiate an exit from employment for you on favourable terms
- help you with any issues arising during your employment
- advise you on contractual documentation
- advise you on compromise agreements and negotiate improved terms.

For further information

Please call us on 020 7148 7850 or email info@leveneseemployment.co.uk.

Alternatively please contact Victoria Willson directly on 020 7148 7852 or vwillson@leveneseemployment.co.uk.

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