

Upcoming Employment Legislation and Cases

Specialist Employment Law, HR and Health & Safety services providers, Peninsula Business Services, provide a brief update.

Though 2015 has been a busy year in the world of employment law, with decisions on collective consultation, annual leave and sickness, in addition to the introduction of new schemes such as Shared Parental Leave, there are still some upcoming legislation and cases to be aware of in the coming months.

Employment Law cases

Lock v British Gas Trading Ltd – the Employment Tribunal decision which confirmed commission must be included in the calculation of holiday pay, but was silent on important factors such as calculation, has been appealed to the Employment Appeal Tribunal with this expected to be heard towards the end of 2015.

R (on the application of Unison) v Lord Chancellor and another – the second challenge by Unison against the ‘unlawful’ tribunal fee system was rejected for a second time by the High Court on the basis that Unison had not proven it was excessively difficult for individuals to pay the fees. The challenge against the High Court decision was heard by the Court of Appeal in June and the judgment is awaited.

Federacion de Servicios Privados del sindicato Comisiones Obreras v Tyco Integrated Security SL, Tyco Integrated Fire & Security Corporation Servicios SA – This Spanish case was passed up to the European Court of Justice (ECJ) to determine whether travel time to and from customers constituted “working time”. The Advocate General gave his opinion in June that for employees who have travel as an integral part of their role, traveling between different customers is “working time” even if this is the first or last journey from home. This is not the decision of the case, however, and the full ECJ judgment is awaited.

Forthcoming legislation

October 2015 – The National Minimum Wage increases will take place from 1st October as normal. This year’s increases sees a large jump for the apprentice rate from £2.73 per hour to £3.30 per hour.

October 2015 – The Deregulation Act 2015 will remove the power that employment tribunals have to make wider recommendations under the Equality Act 2010.

Winter 2015 – Under s9 of the Equality Act 2010, the government had indicated that an order would be introduced in Parliament in winter 2015 to provide for protection from caste discrimination as an aspect of race.

Expected but no confirmed date – further regulations on banning exclusivity clauses in zero-hours contracts including protection for workers against detriment for working for other employers and to provide a threshold below which exclusivity clauses in other contracts cannot be enforced.

Whatever the economic climate it's always a challenge running a business, and keeping up with the latest employment and Health & Safety legislation.

Darwin Clayton can help your business with a Legal Expenses insurance policy that can help you to overcome a range of common business problems, for example;

- you need expert legal advice quickly
- a dispute with an employee escalates and can't be resolved
- you receive notice of an enquiry into your tax or VAT returns
- a Health & Safety inspection ends with a threat to prosecute your business
- a neighbouring business restricts access to your premises
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If you would like to know more about the services provided by Peninsula, please contact us at info@dcuk.co.uk.