

Legislation

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Legislation

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As of **25 June 2013**, the following reforms came into force:

- The qualifying period (2 years) for unfair dismissal will no longer apply where the main reason for dismissal is the employee's political opinions or affiliations.
- Changes to whistleblowing law:
- For an employee to be protected as a whistle blower, what they raise an issue about must now be in the public interest

meaning that employees will largely now be prevented from claiming they are blowing the whistle about breaches of their own employment contract.

- Disclosures no longer need to be made in 'good faith'. Until now, if whistleblowers were motivated by financial gain or vengeance, they were not protected by the law. Bad faith is only relevant now in relation to what compensation is awarded to the whistle-blower.

- Whistleblowers will be protected from being victimised by fellow employees. Before now, employees who made protected disclosures were only protected from their employer's activities. Employers should update their whistleblowing policies/handbook to make it clear that employees should not mistreat whistleblowers.

From 29 July 2013

- The maximum compensatory award for unfair dismissal will be £74,200 or one year's gross pay, whichever is the lowest.

- Settlement Agreements come into force. These are the new 'Compromise Agreements' whereby employers can approach staff with a view to terminating their employment in exchange for money. These negotiations will not be admissible as evidence in most unfair dismissal claims.

- Fees will be introduced in the Employment Tribunal and Employment Appeal Tribunal. There will be two levels of claim:

- Level 1 claims – the issue fee is £160 and the hearing fee is £230

- Level 2 claims – the issue fee is £250 and the hearing fee is £950

- Appeals – the issue fee is £400 and the hearing fee is £1,200

Level 1 claims include unlawful deduction of wages, holiday pay and redundancy payment claims. Level 2 claims include discrimination and unfair dismissal claims.

Employees can apply for fees to be “remitted” (i.e. reduced or eliminated) if their financial circumstances are such that they cannot afford to pay the fees.

If an employer loses a case the tribunal may require the employer to reimburse these fees but this is not automatic.

This is likely to cause a substantial reduction in the number of smaller claims brought by employees and may encourage employers to be more robust about not paying sums to staff which they do not think are due and which it will now be un-commercial for employees to contest.

From 1 September 2013

- The employee-shareholder provisions come into force. As a reminder, this scheme will see employees forfeiting employment rights (like unfair dismissal) in exchange for £2,000 worth of shares (or more) in their employer.

1 October 2013

- The new national minimum wage for workers will increase as set out:
 - the adult rate will increase to £6.31 an hour;
 - the rate for 18-20 year olds will increase to £5.03 an hour;
 - the rate for 16-17 year olds will increase to £3.72 an hour; and
 - the apprentice rate will increase to £2.68 an hour.

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