

HR Performance

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HR Performance: April 2011 Article for IAM manager



The following article first appeared in the April 2011 edition of the manager Magazine which is the British Journal of Administrative Management.

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It's has been a full year since my first article and as we are now in April again it's time to take a look at the notable new and impending employment legislation we can look forward to.

The first point to remind you about is that the changes to paternity and maternity leave, first mentioned in my column in April 2010 – and further covered in the July 2010 edition of manager - took effect on 3rd April 2011. Please refer to that edition

for further information or contact me using the details at the end of this article to receive a free PDF copy of my article.

As always at this time of the year there are some increases in the weekly statutory payments – maternity, paternity and adoption pay increases from £124.88 to £128.73; sick pay increases from £79.15 to £81.60 and basic state pension increases from £97.65 to £102.15.

Most noteworthy, and bound to cause numerous problems for organisations, is the abolition of the default retirement age which is effective from 6th April 2011. Hopefully you haven't missed this one, but tread carefully if you have employees that reach their 65th birthday this year. If your organisation has been terminating employment at the default retirement age of 65, by following the relevant procedures that were in place until April 5th 2011, be aware that there are some transitional regulations in place for notifications of retirements issued prior to April 6th 2011 for employees that reach the age of 65 prior to September 30th 2011. This new regulation also means that employers can no longer prohibit prospective employees from applying for vacancies if they are aged 65 or within six months of age 65.

Carefully review your retirement policy and ensure you are following the correct procedures.

And here's one for your diaries - due to be with us on October 1st 2011. From this date the Equal Treatment for Agency Workers legislation becomes law and will give agency workers the same basic employment conditions after 12 weeks in a given job. If you are providing your own employees with enhanced benefits above statutory requirements, after 12 weeks these will also be due to the temporary worker. This applies to duration of working time, overtime, breaks, rest periods, night work, holidays, public holidays and pay! In addition they are to receive improved access to permanent employment and training. If you think you might be able to get around this legislation the regulations contain some anti-avoidance provisions too. Whilst this is clearly of benefit to workers who regularly work through an agency I can't see how this won't end up increasing the rates that you pay to your agency for temporary staff.

I'll be examining this area in a future column but in the meantime review your agency usage and explore how this will impact upon you and your organisation.

Finally, the coalition Government has made much of how they will look at reducing the increasing burden of employment legislation and true to their word they have. They have chosen to not extend the right to make a request for time off work for study and training for employees in businesses with fewer than 250 employees. Well, I suppose it's a start!

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