

# Employment Law Bulletin

February 2004

**2004 is scheduled to be another year of whirlwind change in the world of Employment Law. Another rise in Tribunal awards, a long awaited limitation on the excessive hours worked by junior doctors, and the introduction of statutory disciplinary and grievance procedures are just some of the changes on the horizon.**

To help you plan ahead, we have listed below some of the forthcoming 'highlights' for 2004.

**1st February - rise of Tribunal Awards** - the limit on the amount of compensation that can be awarded in unfair dismissal cases (compensatory award) will rise from £53,500 to £55,000. Similarly the cap on 'a week's pay' when calculating, for example, an employee's statutory redundancy pay, will be increased from £260 to £270.

**4th April - standard rates for statutory maternity pay, statutory paternity pay, and statutory adoption pay** will increase to £102.80 per week.

**6th April - implementation of the Employment Agencies Regulations 2003.** The Regulations require organisations to make it clear whether they operate as Employment Agencies or Employment Businesses. They also prohibit Agencies from charging a fee when a temporary employee is taken on permanently (unless an extended hiring period has first been offered).

**21st May - the Control of Asbestos at Work Regulations 2002** come into force, requiring anyone with maintenance and repair responsibilities for a workplace to take all reasonable steps to locate materials likely to contain asbestos and to assess and control exposure risks.

**1st October - the National Minimum Wage** rises to £4.10 for workers aged 18 to 21, and £4.85 for workers aged 22 and over.

**1st October - IT1 and IT3 forms** (currently used when lodging or defending an Employment Tribunal claim) are replaced with 'Claim' and 'Response' forms, which will require both parties to share more information earlier on. A failure to provide specified information will lead to the relevant form being rejected.

**1st October - minimum statutory grievance and disciplinary procedures** are introduced. These are still under review but are likely to have a fundamental impact on employment law. A future bulletin will address these procedures specifically.

**1st October - the ACAS officers' duty to conciliate** will generally be limited to a fixed period (determined by the complexity of the case) in order to encourage parties to settle in good time, and deter last-minute settlement just before the Tribunal Hearing.

**1st October - Disability Discrimination Act 1995** - all businesses (irrespective of size) are required to physically alter their buildings, and premises to make them accessible for disabled people. HR managers can expect to have to use their knowledge of disability

discrimination to assist in assessing what action is necessary. What is clear is that action is necessary before the changes actually come into force.

**1st October - Disability (Pension) Regulations 2003** - discrimination by Trustees and Managers of occupational pension schemes on the grounds of disability is outlawed.

**1st October - reforms of TUPE** (Transfer of Undertakings (Protection of Employment) Regulations 1981) include a requirement that the Transferor (Seller) notifies the Transferee (Purchaser) of the employment liabilities that will be transferring. Reforms are hoped to clarify when employers can lawfully make dismissals or negotiate changes to contracts of employment near to the time of transfer.

**2004 - publication by the Information Commissioner of Part 4 of the Code of Practice** on the use of personal data in employer/employee relationships. (Part 1 dealt with recruitment and selection, Part 2 covered the management of records and Part 3 dealt with monitoring at work.)

For further advice on any of the above changes please contact any member of the employment team:

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