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3HR Legal Weekly

Employment

October Changes in Employment Law

We've already seen significant changes in Employment Law in 2015, particularly with regard to the introduction of Shared Parental Leave. On 1 October, the following changes also came into force:

National Minimum Wage (NMW) – rate increases to the following per hour:

- £6.70 for adults (age 21+)
- £5.30 for 18 – 20 year olds
- £3.87 for 16 – 17 year olds
- £3.30 for apprentices

Employers should, however, bear in mind that the National Living Wage (NLW) will replace the NMW in April 2016 for workers aged 25 and over. The living wage is based on the amount an individual needs to earn to cover the basic costs of living and is higher than the NMW. Currently, it is an informal benchmark which employers choose to pay on a voluntary basis. The Government plans to introduce stricter penalties for employers that do not comply after April 2016.

Sikh exemption from wearing safety helmets

Sikh men now have the right to wear their turban rather than safety helmets in almost all workplaces, not just on construction sites as was previously the law, with some limited exceptions – e.g. military and emergency services roles. Employers may need to adapt their health and safety and dress code policies to reflect this change.

Tribunal recommendations in discrimination cases

Tribunals no longer have the power to make recommendations in discrimination claims in relation to an employer's wider workforce, although they can still make recommendations to reduce the adverse effect of discrimination on the claimant personally. Tribunals rarely exercised that power so this change is unlikely to have a significant impact.

Health and safety

Self-employed people who do not employ anyone are now exempt from health and safety regulations where their business activity poses no potential risk of harm to others.

Smoking in cars

Drivers and passengers of private cars in England are banned from smoking in them if children under 18 are passengers. As a result of this change to the law, employers will need to closely consider revising their smoking and company car policies, as employees using the vehicle for family purposes will be caught by the new legislation.

Modern slavery statements

Businesses with an annual turnover of at least £36 million will have to publish an annual 'slavery and human trafficking' statement on their website. The Government has yet to publish its guidance on the level of investigation a company is expected to carry out. For now, those companies that satisfy the turnover threshold should start looking at their supply chains, training and inspection systems and policies, to check whether these are sufficient.

If you have any queries about these changes or any aspect of Employment Law or HR, please contact the team.

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