



A new beginning...

Welcome to this month's edition of *Employment Matters* - Pinnacle Development Solutions' regular newsletter.

We hope you enjoyed the festive season, and would like to take this opportunity to wish you all a Happy New Year. New Year is the time when a large percentage of us make resolutions of one kind or another, and plan how this year is going to be different and hopefully better than the previous year. So...

Hot off the Press!

Key 2008 legislative developments

In Parliament, as in business, the start of the year is traditionally the time when we plan for the forthcoming year, key events and milestones.

So to help you with that business planning here is a quick guide to some of the key legislation that's due to come into force during 2008.

Changes to the Sex Discrimination Act 1975 come into force

Postponed from 1 October 2007 - likely to be April 2008

This piece of legislation was postponed as the Equal Opportunities Commission

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was successful in an application for judicial review of the implementation of the Equal Treatment Directive through the Employment Equality (Sex Discrimination) Regulations 2005, which amended the Sex Discrimination Act 1975.

The review is seeking to broaden the definition of harassment and to clarify women's rights during maternity. Your employment policies and procedures covering these areas will need to be amended to reflect the changes in legislation.

Information and Consultation of Employees Regulations 2004 are extended

6 April 2008

The Regulations, which implement the Information and Consultation Directive, are extended to cover undertakings with 50 or more employees.

Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 are extended

6 April 2008

The Regulations, which introduce a statutory requirement upon employers to consult with prospective and active members of pension schemes and their representatives before making major or significant changes to future pension arrangements, are extended to cover undertakings with 50 or more employees.

Corporate Manslaughter and Corporate Homicide Act 2007 comes into force

6 April 2008

New laws on corporate manslaughter are introduced. They will create a new

offence of corporate manslaughter (corporate homicide in Scotland), which would allow organisations to be prosecuted for management failures that lead to the deaths of employees and others.

Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2007 come into force

6 April 2008

The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2007 introduce new provisions aimed at protecting agency workers.

Centralised vetting system for people working with children and vulnerable adults comes into force

Autumn 2008

The Safeguarding Vulnerable Groups Act will introduce a centralised vetting system for people banned from working with children and vulnerable adults.

Employers will be able to make checks online, with information updated straight away when any individual is added to the list.

Employers will be informed where possible if an individual becomes barred. There will be fines of up to £5,000 for employers that knowingly employ individuals on the list or fail to make the relevant checks

If you need any advice or assistance to understand how this legislation could impact your business, please contact us today by [e-mail](mailto:contact@pds-hr.com) or phone 0800 907 1015.

Increase in statutory awards

1 February sees the annual increase in the statutory awards. The increases are as follows:

- A week's pay (basic award/statutory redundancy payment) increases from £310p/w to £330p/w
- Maximum compensatory award increases from £60,600 to £63,000.



New developments for you from Pinnacle in 2008

This year at Pinnacle we're determined to make it a truly exciting year for you. As well as delivering a high-calibre and professional HR service, and a very useful newsletter, we are planning to launch the following new services:

Open development programmes

We will be launching a range of open development programmes and workshops, which will be delivered throughout East Anglia. Programmes will cover:

- * human resources
- * health and safety
- * leadership and management skills
- * customer service.

Your questions answered

Well, there were no questions relating to inappropriate behaviour at Christmas office parties, so everyone must have acted upon our advice in November's edition and hopefully had a successful and enjoyable party.

This month's question relates to absence from work due to sickness, which is a particular problem for companies at this

Learn more about Pinnacle's new webinars and open development programmes.

Webinars

We are pleased to announce that we will be running regular web seminars covering a variety of subjects, allowing you to continue to develop your business skills and knowledge from the comfort of your own desk, so you don't incur the cost or inconvenience of travelling.

To register your interest in any of the above, please [e-mail us](#) and we will keep you updated with details.



time of year, when UK industry witnesses the highest level of sickness absence and working days lost between January and March:

When a company has a discretionary sick pay scheme, is it entitled to simply refuse to pay sick pay to employees when it suits them?

Well, the slightly unclear answer to that is yes and no. A company can refuse to pay sick pay when it suits them, provided they are consistent in their approach. So, for example, a company could not refuse to pay sick pay to a woman but pay it to a man. Similarly, it could not refuse to pay sick pay to black people but pay it to white people.

These are, of course, extreme examples and the company must be consistent in who it chooses to pay and not to pay.

The difficulty arises when the company is not consistent because then someone is always going to try and say it is discriminatory and hang it on one of the legal pegs: sex, race, sexual orientation, age, whatever it may be.

We have worked with a client that extended discretionary sick pay for an employee suffering from cancer but

refused to extend it to an employee who was suffering from depression. The employee suffering from depression brought a claim of race discrimination because they were a different race to the cancer sufferer and felt they were being treated differently from them.

This is always going to be the risk where you do not have clearly written-down rules regarding sickness absence. It is a difficult balancing act because the firmer and more rigid your rules, the less discretion you have, but the more inconsistent you are, the more open you leave yourself open to a discrimination claim.

In short, where you have rules regarding sickness, make sure you adhere to them. If you have the scope to use discretion, ensure it is applied fairly and consistently, and that you take account of potential discrimination issues when making your decision.

In the first full working week of January 2008, over 3.6 million people were absent from work through sickness. If you feel you may have an issue relating to sickness, then please [contact us](#) and we will be happy to help.

If you have an issue or question you'd like us to cover in a later edition of the newsletter, please [e-mail us](#).

Further assistance

If you would like further information on any issues raised by this bulletin, or require advice or assistance with any other human resources matters, **please call us today on 0800 907 1015 or [send us an email](#).**

The information in this newsletter is of a general nature and is not intended to replace professional advice. We recommend you to ask for specific professional advice before taking any action.

Pinnacle Development Solutions, 9 York Road, Ipswich, Suffolk IP3 8BX