

Employment E-Brief No 83

1ST OCTOBER - WHAT IS HAPPENING?

For further
information contact:

Judith Ellery

jellery@metcalfes.co.uk

0117 9453080

Paul Seath

pseath@metcalfes.co.uk

0117 9453084

Today sees a number of important changes in employment legislation. The key ones to note are:

- The introduction of the mandatory dismissal procedures, which if not followed by employers give employees the right to claim automatic unfair dismissal (subject to the one year qualification period), plus an increase in compensation.

In addition, the grievance procedures prevent employees bringing most types of tribunal claims unless they have first lodged a written grievance with the employer and given them 28 days to resolve it.

ACAS has published some extremely useful flow charts on operating the procedures which are ideal for small employers. They can be viewed at www.acas.org.uk/publications/pdf/acas_disciplinary_folder.pdf

- The removal of the small employer exemption under the Disability Discrimination Act. Now even employers with less than 15 employees have to comply with the Act. In addition, it will no longer be possible to justify a failure to make reasonable adjustments. There will also be a formal definition of harassment.
- The procedural changes in tribunal rules increasing the number of days from 21 to 28 to file a defence (note though the time will run from the date the claim is sent out rather than received, as is now the case. As well as a restriction on ACAS' power/duty to conciliate; the objective being to encourage early conciliation as opposed to leaving it to the last minute. There are also substantial changes to the costs rules, so that costs will be awardable for preparation time for unrepresented parties and there will be a power to make wasted cost orders against representatives.

For more details on these important changes taking effect tomorrow, please contact Metcalfes.

1ST October 2004

Whilst every care has been taken in producing this E-brief, no liability is accepted for any errors or omissions. The E-brief is not a substitute for proper legal advice, merely an aid. For further advice, contact Judith or Paul or your usual Metcalfes contact.