



## WHAT'S NEW?

Just a quick reminder of the new legislation that has come into force from April 2008:

### Information and Consultation Regulations 2004

The Regulations, which give employees the right to agree with their employers procedures for informing and consulting on work place issues, now applies to businesses with **50** or more employees.

### Rate Increases

Statutory maternity, paternity and adoption pay has now increased from £112.75 to **£117.18** per week. Statutory sick pay has increased from £72.55 to **£75.40**.

### Income Tax (Pay as You Earn) Regulations 2008

These Regulations make a number of changes to the regime for collecting income tax through the PAYE system, including granting HM Revenue and Customs a power to transfer PAYE liability from an employer to an employee.

### Corporate Manslaughter and Corporate Homicide Act

The new Act renders corporations and some other designated bodies, liable for the new offence of corporate manslaughter if the management of an organisation breaches a duty of care resulting in death.

## CASE ROUND UP

### Sexual Orientation Harassment

The EAT has held in *English-v-Thomas Sanderson Blinds* that the Sexual Orientation Regulations 2003 do not prohibit homophobic 'banter' against a heterosexual man who is known not to be gay. The Claimant who was heterosexual, was subjected to sexual innuendo by his colleagues to the effect that he was homosexual even though he was not. The 'joke' arose a) because he had attended boarding school and b) because he had lived in Brighton.

### Defining Redundancy

The Employment Appeals Tribunal (EAT) in *Martland-v-Co-Operative Insurance Society* has considered whether a dismissal amounts to a redundancy dismissal, when the workforce is immediately offered new engagement on new terms and conditions. The EAT concluded that the dismissals were not redundancy dismissals but were dismissals for "some other substantial reason". The EAT confirmed that the job was still essentially the same, despite the substantial changes to the terms and conditions of employment.



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## **Employer liable for suicide following accident at work**

In *Corr (Administratrix of the estate of T Carr (deceased)-v-IBC Vehicles Limited* an employer was held to be liable under the Fatal Accidents Act 1976 for the suicide of an employee who suffered severe depression after being seriously injured in an accident caused by the employer's negligence. It was held that the depression was a foreseeable consequence of that negligence and it was not uncommon for someone so affected to take his or her own life.

## **Balding school teacher loses disability claim**

A retired school teacher, James Campbell 61, formerly an art teacher at Denny High School in Stirlingshire lost his claim that he was a victim of disability discrimination because he is bald. Campbell claimed that he had suffered harassment from his pupils because of his baldness. The Tribunal stated that baldness could not be an impairment because if it was, then perhaps a physical feature such as a big nose, big ears or being smaller than average height might themselves be regarded as an impairment under the Disability Discrimination Act. Some common sense at last!

## **CHANGES FOR EMPLOYING IMMIGRANT WORKERS**

From later this year, (possibly October) any company wishing to take on an individual on a work permit or extend an individual's existing work permit, must be licensed as a 'sponsor'. The application process to apply for a licence to be a sponsor under Tier 2 of the New Points Based System, has now started.

## **Still to come in 2008.....**

### **Summer 2008**

Good news!!!! Perhaps the most important development of 2008 will be the Employment Bill which the Government hopes will receive Royal Assent this summer and will be implemented in 2009. The Bill is expected to repeal the current Statutory Dispute Resolution procedures which cause so much additional administration for employers wanting to discipline employees!

### **Autumn 2008**

A single vetting system for checking the suitability of potential employees to work with children and vulnerable persons will start to be phased in. The system will be introduced under the Safeguarding Vulnerable Adults Act 2006.

From 27 October 2008, Incapacity Benefit and Income Support are to be replaced by Employment Support Allowance (ESA). As ESA requires less information about Statutory Sick Pay (SSP), it is proposed that a re-designed form SSP1 will be introduced. Although this is subject to Parliamentary approval, the new form is not expected to ask for details of the first day of incapacity, qualifying days, work patterns or dates of payment for SSP. Another proposed change is that periods of SSP with a previous employer will not count towards an employees maximum period of SSP.

If you have any specific questions, please contact:

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