

Briefing Note: October 2010 Changes to Employment Legislation

An Introduction to the Briefing Note

This Note summarises the changes to employment legislation that will come into force in October 2010. It should not be relied upon as legal advice and you should contact us for advice on your specific circumstances.

Increases in the national minimum wage

Increases in the national minimum wage will take effect from 1 October 2010. The new hourly rates are as follows:

- **Standard (adult) rate** (the government will extend this rate to apply to workers aged 21 and over): **£5.93** (rising from £5.80).
- **Development rate** (workers aged between 18 and 20): **£4.92** (rising from £4.83).
- **Young workers rate** (workers aged under 18 but above the compulsory school age who are not apprentices): **£3.64** (rising from £3.57).
- **Apprentices** a new minimum wage for apprentices will also be introduced of **£2.50**. This will apply to apprentices under 19 or those aged 19 and over but in the first year of their apprenticeship. The value of the accommodation offset also increases from £4.51 to **£4.61**.

Equality Act 2010

The two main purposes of the Equality Act 2010 are to harmonise discrimination law and to strengthen it. It brings together and re-states the existing discrimination legislation and seeks to adopt a single approach where appropriate. However, it also contains a number of important changes to the law, including:

- Making employers explicitly liable, in some circumstances, for harassment by third parties in the workplace.
- Extending the concept of positive action to allow employers to recruit or promote someone from an under-represented group, but only where they have a choice between two or more equally-suitable candidates.
- Outlawing employers' pre-employment health enquiries unless they are made for prescribed reasons.
- Limiting the enforceability of contractual "pay secrecy" clauses.
- Strengthening enforcement by enabling tribunals to make recommendations that benefit the wider workforce, not just the claimant.

The majority of the Act's provisions will come into force on 1 October 2010.

Briefing Note September 2010

Summary:

Changes to Employment Law in October 2010

For detailed advice on all employment law matters please contact:

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Government guidance on the Equality Act 2010

The government has published a quick guide for businesses who sell goods and services which aims to help them understand their obligations under the Act:

<http://www.equalities.gov.uk/pdf/14314%20BCC%20Quick%20Guide%203rd.pdf>

Non-statutory guidance for service providers and employers has also recently been published:

<http://www.equalityhumanrights.com/legislative-framework/equality-bill/equality-act-2010-guidance>

New regulations for employment agencies and employment businesses

The new regulations are intended to address the proper conduct of employment agencies and employment businesses, increase protection for vulnerable work-seekers and reduce regulatory burdens on employment agencies. They are due to come into force on 1 October 2010. Among other things, the regulations will:

- Require advertisements to specify whether the position is temporary or permanent. Advertisements will no longer need to include a statement confirming whether the organisation is acting as an employment agency or employment-business.
- Restructure the existing regulations on obtaining work-seekers' consent to terms before providing services.
- Modify the suitability checks that employment businesses and employment agencies currently must carry out on work-seekers.
- Introduce a 30-day cooling off period for performers (such as actors, dancers and singers) during which the work-seeker will have a right to cancel or withdraw from the contract with immediate effect.

If you would like to know more about this topic or our other legal services, please contact:

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