

INTRODUCTION

2010 will see a number of important changes to employment law that UNISON reps and officers should be aware of. These include the introduction of a "fit note" system and the right to request time off for training.

All of the changes outlined in this document are part of the legislative timetable of the current government. They are all scheduled to be passed into law before the General Election (probably taking place in May 2010), although some of the changes will not come into force until after that date. New guidance will be issued by UNISON Bargaining Support if any of the legislation outlined in this document is subject to change or is not enacted.

CHANGES IN EMPLOYMENT LAW 2010

The following changes are expected in 2010:-

Blacklisting of trade union members or activists is outlawed - first half of 2010

In 2003 the government had considered strengthening regulations to prevent blacklisting, but did not proceed due to a "lack of evidence" that such lists were in operation. However, in March 2009 a number of construction companies were exposed for using a private investigator to keep a database on trade union activists. This has prompted plans for stronger regulations which are now planned for 2010.

The Government has the power to prevent the blacklisting of trade union activists without introducing new primary legislation. Under s.3 of the Employment Relations Act 1999 the government is able to introduce new regulations which strengthen the law to prevent blacklisting. The revised draft regulations are scheduled to come into force in early 2010 and can be viewed here: <http://www.berr.gov.uk/files/file51729.pdf>

Right to request time off for training is introduced - April 2010

A right to request time off for the purposes of training will be introduced by April 2010. Modelled on the right to request flexible working arrangements, employers will be legally obliged to consider requests that they receive, but will be able to refuse a request where they believe there are "good business reasons" for doing so.

Employers will not be obliged to meet the salary or training costs to enable a request for time off to train to be met. The right will be available to employees in organisations with 250 or more employees in April 2010, with the legislation being extended to cover all employees from April 2011. The right will be introduced under the Apprenticeships, Skills, Children and Learning Act 2009, which can be viewed here: http://www.opsi.gov.uk/acts/acts2009/pdf/ukpga_20090022_en.pdf

"Fit note" system to be introduced - Spring 2010

The government is seeking to introduce a "fit note" system, which allows doctors to indicate if a worker "may be fit for some work now". The fit note will be issued by GPs and will outline what work an employee is capable of doing. The new regulations will also simplify the process of issuing notes for GPs and will permit GPs to issue statements printed by their practice's computer systems (instead of just handwritten statements). The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) Amendment Regulations 2010 come into force "Spring 2010".

Paternity leave and pay extended - April 2010 (for babies due from 3rd April 2011)

Fathers will be granted up to 26 weeks maternity leave if the mother of the child returns to work before the end of the maternity leave period. The father will be allowed to take this additional paternity leave during the second six months of the child's life and may be paid if taken during the mother's statutory maternity pay period.

The Government plans for the legislation to come into force in April 2010, with effect for parents of babies due from 3 April 2011. The consultation on the draft regulations can be viewed here: <http://www.berr.gov.uk/files/file52940.pdf>

Registration with the Independent Safeguarding Authority (ISA)

The Safeguarding Vulnerable Groups Act 2006 repeals all current barring legislation and gives the Independent Safeguarding Authority (ISA) responsibility for deciding who should be barred from working with children and vulnerable adults. This process includes the voluntary registration with ISA for all new employees from 26 July 2010. Employers must check that the relevant employees are registered from 1 November 2010. Staff already working in a regulated activity and who have not moved into a new role with a new employer will be able to apply for registration from 1 April 2011, with mandatory registration by 31 July 2015.

Single Equality Bill - October 2010

The Equality Bill will bring disability, sex, race and other areas of potential discrimination under one piece of legislation. Most notably, the bill includes a single equality duty for public bodies, including grounds such as sexual orientation and religious belief as well as race, disability and gender. Royal Assent for the Bill is expected in Spring 2010.

Proposals also include changes to disability discrimination law and provision to make regulations requiring employers with at least 250 employees to publish information relating to the differences in pay between men and women (expected to come into effect in 2013). An updated version of the bill containing changes made during December 2009 can be seen here:

<http://www.publications.parliament.uk/pa/ld200910/ldbills/020/2010020.pdf>

FURTHER INFORMATION

If you would like further information on any of the changes outlined in this document, please contact UNISON Bargaining Support on 0207 551 1402 or e-mail bsg@unison.co.uk

Regular updates to factsheets and guidance can also be found on the Bargaining Support Website here: <http://www.unison.org.uk/bargaining/>

The Government's own website on employment law is here:
<http://www.direct.gov.uk/en/Employment/Employees/index.htm>