

quarterly legislation update

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2010

New and changing employment regulations and legislation can prove to be challenging for any business. As your true recruitment partner, we are dedicated to working in partnership with you to ensure we are continually adding value to your business.

Our quarterly legislation updates will keep you informed of any new or proposed legislation to ensure you can prepare and take any necessary actions.

Fit Notes

As from the 6th April 2010, the sick note (form MED3) issued by doctors was replaced by a 'Statement of Fitness to Work' (also known as a Fit Note).

Under the previous sick note system, doctors could only advise their patients on whether their health condition meant they should or should not work. The new Fit Note gives additional options where a patient may be fit for work, but with some support.

It is anticipated that the majority of new Fit Notes will continue to advise patients to refrain from work completely however, in a small number of cases a doctor may advise a phased return to work. In these instances, you may need to discuss with your employees what options there are for a phased return to work. This may involve reduced hours/days or different duties.

The self certificate, applicable for the first seven days of any health condition, continues without change. The Fit Note should only be issued by doctors after the first seven days absence.

UK Bribery Bill

The UK Bribery Bill (implemented by end of 2010) aims to reform the criminal law by providing a modern and comprehensive scheme of bribery offences. This will enable both the courts and prosecutors to respond in a more effective way to bribery in England and Wales.

The Bill creates an offence for corporations failing to prevent bribery occurring within the organisation. If an "associated person" carries out an act of bribery on their behalf, the only defence is if the corporation had put in place "adequate procedures" designed to stop these types of incidences.

"Adequate procedures" has not yet been defined in the Bill however the Secretary of State is required to provide formal guidance on the extent and meaning of "adequate procedures". There is likely to be a focus on the "culture" of an organisation and companies will be expected to set a standard from the top of zero tolerance of bribery and corruption. The policies will need to be adopted at all levels within the organisation.

Where a company has operations carried out by another individual or entity on its behalf, particularly in difficult jurisdictions, it is important to ensure that the third party is aware of and commits itself to the anti-bribery policies of the principal.

It is not just corporates who should fear prosecution under the Bill. Individuals that are guilty of one of the principal offences are liable, on conviction, to imprisonment for up to 10 years or to a fine, or to both. In addition, failure to maintain "adequate procedures" could render directors vulnerable to civil claims.

Occupational Health: Patient Consent

Employers seeking medical reports on employees from occupational health doctors will need to be aware that the employee's consent is now needed prior to this medical report being provided to the employer.

Upcoming changes:

The National Minimum Wage is due to increase from 1 October 2010 as follows:

- workers aged 21 and over - the rate will increase from £5.80 to £5.93.
- workers aged 18 to 20 - the rate will increase from £4.83 to £4.92.
- workers aged 16 to 17 - the rate will increase from £3.57 to £3.64.

There will also be the introduction of a National Minimum Wage for apprentices of £2.50. This will apply to apprentices under the age of 19, or apprentices aged 19 and over who are in the first year of their apprenticeship.

For more information on legislation changes and how they affect your business, please contact your local Randstad consultant or visit:

Department for Business Innovation & Skills
www.bis.gov.uk

Office of Public Sector Information
www.opsi.gov.uk

HM Revenue & Customs
www.hmrc.gov.uk

ACAS (Advisory, Conciliation and Arbitration Service)
www.acas.co.uk

Please note that this legislation update reflects the law in England and Wales and offers general information and guidance only. Businesses are strongly recommended to take legal advice before taking any action.

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