



## This month A-Z focus - "C" - Consultation

The Government launched a very important consultation, Modern Workplace, on 16 May 2011. SEE is going to submit a response on behalf of local authorities in the region and we have compiled a [precis of the consultation document](#) to seek your views on what we consider to be the key issues for local authorities as employers.

There are four elements to this consultation:

- flexible parental leave
- flexible working
- Working Time Regulations
- Equal Pay



What are your thoughts?

If you would like us to include your response, please email us by 29 July 2011 to enable us to meet the Government's deadline. Please send your response to: [advice@seemp.co.uk](mailto:advice@seemp.co.uk)

## Upcoming Training



[Discipline, Grievance and Capability - Wednesday 21 September](#)

Most people will agree that 'Discipline, Grievance and Capability' are probably the three most dreaded words

even for experienced HR professionals. This **one day** session covers how to manage the process and dismissals relating to discipline, grievance and capability and considers the role of **mediation**.

[Book onto this training](#)

[SEELaw Update - Wednesday 5 October](#)

SEELaw Update is back! We will be looking at the Government's plan on Modern Workplaces, changes to settling workplace disputes, Agency Workers' Regulations 2010 and developments in case law; and focusing on the relevance to local authorities. See our [Event Calendar](#) for further details and download the [flyer](#).



SEELaw Update

## What's on the horizon

### *Equal Treatment for Agency Workers*

The Agency Workers Regulations 2010, coming into force in October 2011, give agency workers "equal treatment" after a 12-week qualifying period in their post as if they had been employed directly by the end-user. [Read more](#)

### *4 January 2012*

This is the last day on which an employee under 12 months' notice of retirement can make a request not to retire, under the transitional provisions phasing out the default retirement age. [Read more](#)

### *National Minimum Wage Rates*

The Department for Business, Innovation and Skills has announced the national minimum wage rates from 1 October 2011:

- the adult rate will increase by 15p to £6.08 an hour
- the rate for 18-20 year olds will increase by 6p to £4.98 an hour
- the rate for 16-17 year olds will increase by 4p to £3.68 an hour
- the rate for apprentices will increase by 10p to £2.60 an hour



## Case Law

### **Cherfi v G4S Security Services**

*Cost alone can justify indirect discrimination*

This case considers whether an employer's refusal to allow a Muslim employee time off during his shift for religious worship at a mosque was indirectly discriminatory. It also considers whether cost alone can be used to justify such action. [Read more](#)

### **Price v NSL NIIT/01827/10**

*Dismissal - falsifying work records*

An employee was fairly dismissed after an "exhaustive investigation" as described by the tribunal, albeit the employer did not have absolute proof of the employee's misconduct. [Read more](#)

### **Pacey v Caterpillar Logistics Services (UK) Ltd**

*Unfair dismissal - employer relied on surveillance footage to make decisions on fitness to work*

This case shows that in disciplinary cases employers must undertake a fair and reasonable investigation before making any conclusions. [Read more](#)

**It would not be an exaggeration to say these two cases provide the most noteworthy case law development in employment law.**

### **Parkwood Leisure Ltd v Alemo-Herron and others [2011] UKSC 26**

*TUPE transfer*

The Transfer of Undertakings (Protection of Employment) Regulations 2006 play a vital role in protecting employees' terms and conditions when a business is transferred to a new employer. In this case, the Supreme Court was asked to resolve an important issue concerning the exact extent of this protection. [Read more](#)

### **R (G) v Governors of X School [2011] UKSC 30**

*Legal representation in disciplinary hearings*

The Supreme Court, in this important case, has considered the issue as to under what circumstances legal representation at hearings should be allowed at disciplinary proceedings. [Read more](#)

## Other Information

### **SEQOHS Accreditation Scheme for Occupational Health Services**

The scheme is a stand-alone scheme managed by the Royal College of Physicians of London which has been selected to lead and manage the process on behalf of the Faculty of Occupational Medicine. It has officially recognised its first occupational health provider just seven months after formally launching. [Read more](#)

### **Bribery Act 2010**

The Act came into force on 1 July 2011. It introduces four criminal offences including a corporate offence of failing to prevent bribery. There are potential impacts on councils and public sector organisations. [Read more](#)

### **Acas Review of Code of Practice**

Acas has published an evaluation of the [Acas Code of Practice on Disciplinary and Grievance Procedures](#), which was revised in 2009 following the repeal of the statutory dispute resolution procedures. Surprisingly, some employers interviewed were unaware of the existence of the Code. The evaluation addresses the understanding, use and impact of the Code. [Read more](#)

### **EHRC issued full consultation response**

The Equality and Human Rights Commission has issued a full response to the Government's consultation on its powers and duties. [Read more](#)