



Happy New Year!

2012 is going to be a busy year. As reported in the [last issue of SEEhr](#), in 2012, we are expecting many changes and developments. Some of the proposals do not have any confirmed dates yet but progress is anticipated. We will hopefully see the Government's response on the Modern Workplaces consultation, as promised, early in 2012. With a bit of luck, it should shed some light on the details in respect of the carry over of accrued annual leave during sickness absence. Here are some important dates for your diary below for now.



Upcoming training

Introduction to Employment Law 19 January 2012

This practical one-day course will take you through the basic elements and core principles of employment law. You will learn how to tackle those common HR and employment issues in a confident manner. This course is suitable for those who are new to HR or are non-HR professionals with people management responsibilities. [Read more](#)

Dates	Details
4 January	<ul style="list-style-type: none"> The last day on which an employee under 12 months' notice of retirement can make a valid request not to retire, under the transitional provisions phasing out the default retirement age. Read more
15 January	<ul style="list-style-type: none"> Localism Act 2011 comes into force. Section 38 (1) of the Act requires English and Welsh local authorities to produce a pay policy statement for 2012/13 and for each financial year thereafter. SEE is in the process of producing a template and should be ready by the end of January. Read more
31 January	<ul style="list-style-type: none"> Equality Act public sector equality duty: workforce data - public sector bodies with more than 150 employees to publish data on equality in their workforce by this date. Read more Closure date for call for evidence on the current collective redundancy rules. Read more Closure date for call for evidence on the effectiveness of TUPE. Read more
1 February	<ul style="list-style-type: none"> New tribunal award limits come into force. Read more
6 March	<ul style="list-style-type: none"> Closure date for consultation on fees for tribunal claims. Read more
8 March	<ul style="list-style-type: none"> Unpaid parental leave increases from three to four months. Up to three of these months can be transferred from one parent to another.
1 April	<ul style="list-style-type: none"> The standard rate of statutory maternity, paternity and adoption pay increases from £128.73 to £135.45 per week. Read more
6 April	<ul style="list-style-type: none"> Qualifying period for unfair dismissal protection increases from one year to two years. This was announced in the Government's response to the consultation on resolving workplace disputes. Read more The standard rate of statutory sick pay increases from £81.60 to £85.85 per week. Read more Changes to tribunal procedures come into force. This was announced in the Government's response to the consultation on resolving workplace disputes. Read more



Dates	Details
6 April	<ul style="list-style-type: none"> Equality Act public sector equality duty: workforce data - schools with 150 or more employees have until this date to publish the data. Read more
1 October	<ul style="list-style-type: none"> Pensions auto-enrolment begins on 1 October 2012 and will be introduced over four years. The date, known as the staging date, is determined based on the number of people in an employer's PAYE group. Large employers will comply first. Large employers are contacted by the Pensions Regulator 18 months before their staging dates; and all other employers are contacted 12 months prior to their staging dates. Read more

Case Law

Several cases are on appeal and we are expecting some developments on some hot topics!

Age discrimination – using cost as a justification

Woodcock v Cumbria PCT was heard in the Court of Appeal in December 2011

In this case, both the Employment Tribunal and [Employment Appeals Tribunal \(EAT\)](#) found that costs alone can justify age discrimination. Woodcock's enhanced early retirement benefits could have been up to £1 million if his dismissal had not been accelerated. The appeal judges reserved their decision until a later date.

Paid holiday for sick workers

NHS Leeds v Larner to be heard in the Court of Appeal

The Employment Appeal Tribunal, in this case, held that a worker on long-term sick leave who does not request holiday is entitled to be paid for it on termination. We later had a contradictory decision in [Fraser v Southwest London St George's Mental Health Trust](#) which was the complete opposite. Larner has been granted leave to appeal and should be heard early this year. It would be a welcomed decision if the Court of Appeal overturned the EAT's decision.

Statutory Retirement Procedure

Bailey v R & R Plant (Peterborough) Ltd to be heard in the Court of Appeal

The Court of Appeal (CA) has granted leave for R & R Plant to appeal the decision of the [Employment Appeal Tribunal \(EAT\)](#). The EAT held that an employer must inform an employee that requests to work beyond retirement age must state it was made under Paragraph 5 of Schedule 6 Employment Equality (Age) Regulations 2006, which have now been repealed. There is an interesting thing about this appeal - the CA only allows the appeal if the employer will pay the employee's reasonable costs for the appeal.

Age Discrimination

Homer v Chief Constable of West Yorkshire Police; and Seldon v Clarkson Wright & Jakes to be heard in the Supreme Court

The Supreme Court will hear [Homer v Chief constable of West Yorkshire](#) concerning the proper interpretation of "particular disadvantage" in the Employment Equality (Age) Regulations 2006. Seldon has been granted leave to appeal against the decision that the requirement that partners retire at 65 is justifiable as a proportionate means of achieving the company's legitimate aims.

