

**CIVIL LITIGATION DEPARTMENT
EMPLOYMENT LAW
SEPTEMBER 2009**

NATIONAL MINIMUM WAGE

From **1 October 2009**, the NMW will be as follows:

- **£5.80** per hour for workers aged 22 and over
- **£4.83** per hour for workers aged 18-21
- **£3.57** per hour for workers aged 16-17

The adult rate will be extended to 21 year olds from October 2010. Arrangements for the pooling and distribution to employees of tips, gratuities and/or service charges in the hotel and catering trade (a "tronc" scheme) are not payments by the employer and cannot be included in NMW calculations. Such payments via payroll will also not count towards the minimum wage from 1 October 2009.

**UNFAIR DISMISSAL COMPENSATION AND
STATUTORY REDUNDANCY PAY**

From **1 October 2009 until 2011**, the maximum amount of "a week's pay" for the purpose of calculating a redundancy payment or for various awards (including the basic or additional award of compensation for unfair dismissal) will be increased to **£380**.

MINIMUM PAY FOR APPRENTICES

From **1 August 2009** the minimum pay for apprentices increased from £80 to £95 a week.

**THE EQUALITY BILL
ANTI-SECRECY AND GENDER PAY**

The Bill is still making its way through Parliament. It is anticipated that the Bill will become law in Spring 2010. Its aim is reform and harmonisation of equality law. Much has been made about the so-called 'ban' on pay secrecy clauses in contracts and the requirement for certain employers to publish information about the differences in pay between male and female employees. The reality is less prescriptive.

Secrecy clauses preventing employees from discussing pay have not been banned. The Bill provides that a term of a person's work that prevents or restricts the person (P) from being involved in discussions with colleagues about the terms of P's work is unenforceable against P *in so far as P is involved in a relevant pay discussion*. A relevant pay discussion is a discussion with a colleague which is about pay *and* which relates to whether or to what extent there is, in relation to the work in question, a connection between pay and having (or not having) a particular protected characteristic (e.g. race, sex, disability etc.).

As for gender pay gap information, a Minister *may* by regulations require employers to publish information relating to the pay of employees for the purpose of showing whether there are differences in the pay of male and female employees, but there is no requirement at present and this section will not apply to an employer who has fewer than 250 employees.

**If you require any advice or assistance about an employment matter,
please contact Deborah Driscoll in our Civil Litigation Department.**

Disclaimer

The content of this article is intended for general information purposes only and is not a substitute for specific advice. It is based upon our understanding of the legal position as at September 2009 and it may be affected by subsequent changes in the law. We cannot accept responsibility for any loss as a result of acts or omissions taken in respect of this article.