

CIVIL LITIGATION DEPARTMENT EMPLOYMENT LAW - MAY 2011

NEGLIGENCE, PARENTAL LEAVE, THE NATIONAL MINIMUM WAGE, SICK PAY AND MATERNITY PAY

PROVIDING INFORMATION ABOUT FORMER EMPLOYEES

Be careful what you say about former employees even where the information is not contained in a formal reference. Passing on information years after termination can still be a negligent act according to the High Court in the recent case of McKie v Swindon College.

GOVERNMENT CONSULTATION ON THE 'MODERN WORKPLACE'

The rules surrounding parental leave are complicated. A woman is entitled to take up to 52 weeks maternity leave. New fathers currently have the right to ordinary paternity leave of one or two weeks within the period commencing with the birth and additional paternity leave of up to 26 weeks (which must be taken as one continuous period and can only be taken if the mother returns to work early). There are complicated rules relating to pay during these periods. Individual parents are also entitled to take up to 13 weeks unpaid parental leave to care for their under 5s. These rights are subject to the parents meeting certain criteria.

The government has now started a **consultation process** on whether to introduce the following new system of parental leave **from 2015**:

- 18 weeks maternity leave and pay (in one block);
- 4 weeks parental leave and pay (in first year);
- 30 weeks of additional parental leave for either parent (including 17 weeks paid) (these could be taken in a number of different blocks and both parents could take leave at the same time).

Other plans up for consultation include:

- Whether to extend the right to request flexible working to all workers who have been with their employer for 26 weeks.
- Whether an Employment Tribunal should be able to order an employer to conduct a pay audit and order them to publish their results where they have breached the equal pay legislation.

NATIONAL MINIMUM WAGE

From **1st October 2011**, the NMW will be:

£6.08 per hour workers aged 21 and over

£4.98 per hour for 18-20 year olds and

£3.68 per hour for 16-17 year olds.

£2.60 for apprentices.

SICK PAY AND MATERNITY PAY

Statutory sick pay is now

£81.60 per week.

Statutory maternity, paternity

and adoption pay is now

£128.73 per week.

**If you require any advice or assistance about an employment matter,
please contact Julie Granger or Daniel Crook 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 May 2011 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.