

New Employment Developments for 2011

DATE: January 2011

With the start of the New Year there are number of changes on the horizon for Employment Law, most of which would appear to add to the employment law protection afforded to employees. Here is a selection of a few:

Bye, Bye Default Retirement Age

Abolition of the default retirement age is probably the most exciting change due to take place on 1 October 2011, as a result of the transitional provisions of the Equality Act 2010. The effect of this is that from as early as April 2011 employers will need to become familiar with a new way of treating employees who they would have previously retired by reason of their age.

Once the default retirement age is abolished, employers will have to justify retirement of its employees irrespective of their age.

Retirement will only be justified if it satisfies the standard test of objective justification; that is an employer would need to show that such a decision has been made in the pursuit of a legitimate aim by way of a proportionate manner. Clearly, this will now create a number of hurdles for an employer who wishes to retire an aged employee.

New Rights for Agency Workers

After much uncertainty it appears that the Agency Workers Regulations are en-route and earmarked to join us in 2011.....yes you have guessed it, on 1st October!

In summary, the Regulations shall give agency workers the right to equal treatment in respect of terms and conditions of employment with comparable permanent staff, but only once they have been employed for at least 12 weeks.

Extension of the Right to request Flexible Working

The right to request flexible working will be extended to parents with children under the age of 18 and consultation is already under way on extending the right to all employees as well as introducing a flexible parental leave system.