



KIPPEN CAMPBELL LLP

EMPLOYMENT LAW BULLETIN

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EMPLOYMENT LAW UPDATE

PREPARING FOR THE NEW GOVERNMENT'S CHANGES TO EMPLOYMENT LAW – HOW TO PROTECT YOUR BUSINESS

As you will have no doubt heard the new Government intends to bring in a raft of significant changes to employment law as soon as the necessary legislation can be brought in.

There are a number of these changes which are likely to cause there to be a significant rise in Employment Tribunal claims and these are the ones I intend to focus on in this bulletin.

1. Time Limits for Employment Tribunal claims

At the moment most Tribunal claims have a 3 month time limit.

The Government believes it should be longer so will increase the time limit to 6 months in most cases.

Employees having a longer time to think about and bring a claim is also likely to lead to additional Tribunal claims.

2. Unfair Dismissal Rights from “Day 1”

At the moment an employee must have been with your business for two years to bring an ordinary unfair dismissal claim.

Many employers currently take on employees and put them on a probationary contract and have almost two years in which to decide if they are good enough or not. With the proposed change an employee will be able to go to a Tribunal for unfair

dismissal immediately after commencing employment. This is bound to increase the number of claims business will require to face.

3. A ban on Zero Hours Contracts

The Government will ban zero hours contracts and contracts without a specified minimum number of guaranteed hours.

Anyone working regular hours for 12 weeks or more will have a right to a regular contract. See comments above.

4. A right to “Switch Off”

Employers will not have the right to contact an employee outside of working hours after the changes are introduced. Employers breaching this may face an Employment Tribunal.

5. Restriction on Fire and Re-hire Practices

At the moment an employee who refuses to agree to contractual changes may be dismissed and offered re-employment on new terms. The Government will ban this and improve procedures on consultation and information instead. Breaching this will also cause the possibility of Employment Tribunals.

6. Dismissal of a Pregnant Woman

It will become unlawful for an employer to dismiss a woman who is pregnant and for 6 months after her return from maternity leave (except in specific circumstances).

7. Timescale for Changes

In terms of timescales the Labour party has promised a new Employment Rights Bill during its first 100 days of government.

How to Protect Your Business

We have worked for several years now with a leading provider of Employment Expenses Insurance, Albion Legal.

Looking at past trends we would anticipate a potential increase in employee disputes and tribunals following the introduction of these new policies. In partnership with a specialist insurance provider, Albion Legal, they are able to offer a market leading legal expenses policy to protect you against the costs of employment tribunals and to provide you with piece of mind.

- **Insurance cover for [all legal costs](#), [settlements](#) and [awards](#) from the ACAS Conciliation stage throughout the employment tribunal claim.**

- **The policy can be designed around your risk requirements with bespoke excess and indemnity limit levels.**
- **We are authorised to manage and handle claims under the policy. Therefore, if you have a claim we would deal with Insurers on your behalf.**

Furthermore, they have confirmed that for a business with no prior claims' history and with approximately ten employees a guideline price would be around £300 + Income Premium Tax (currently 12%) per annum.

They have provided the [attached Form](#) which any interested business can complete and submit to them or through Jenni should you wish to explore this option.

Employment Law is an increasingly complex area. However, many employment issues can be cleared up in just one telephone call. Sally and I will be delighted to steer you through any difficulties which might arise, and they can be contacted by telephone or email, all as detailed in this letter.

Yours sincerely
Kind Regards

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Attachment – Employer Disputes Insurance Indication Form

This newsletter does not provide a full statement of the law and readers are advise to take legal advice before taking any action based on the information contained herein