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LEGISLATION UPDATE

Government unveils plans to increase flexible working rights and allow time off for training

The Government has unveiled its draft legislative programme for the 2008/2009 Parliamentary session. Of particular importance in the employment field are the proposals to extend flexible working rights to the parents of children aged six or above. The main recommendation is that the right should be extended to those with parental responsibility for children up to the age of 16 and that this extension should be implemented without phasing. In addition, the Government plans to introduce a right for employees to request time off to undertake relevant training. The Government is expected to consult on implementation of both proposals shortly.

Government retains opt-out from the Working Time Directive

The Government has announced that it has reached agreement in the Council of the European Union on the retention of UK workers' right to opt out of the maximum 48-hour working week. Under the agreement, workers signing the opt-out will be subject to a

maximum working week of 60 hours, unless social partners agree otherwise.

The agreement on the working time opt-out follows the UK Government's relaxation of its stance on agency workers. It had been opposed to the introduction of equal rights for agency workers. But it has now reached an agreement with the CBI and TUC on equal treatment in at least basic working and employment conditions for agency workers after 12 weeks' employment.

The proposals on working time and agency workers will now go to the European Parliament for approval.

Redundancy - Unreasonable refusal of suitable alternative position

In *Commission for Healthcare Audit and Inspection v Ward*, the Employment Appeal Tribunal (EAT) has handed down a judgment of importance in claims for redundancy payments where suitable alternative employment has been offered to, but refused by, the employee.

The EAT held that, in such circumstances, a tribunal is entitled

to consider the degree of suitability of the alternative position when assessing whether the employee was reasonable to refuse it. Where the new job offer is overwhelmingly suitable (rather than marginally so) it may be a little easier for the employer to show that a refusal by the employee is unreasonable.

HMRC publishes guidance on salary sacrifice and other non-cash benefits during maternity leave

HM Revenue and Customs has published guidance on the impact that salary sacrifice arrangements have on Statutory Maternity Pay and on what non-cash benefits (such as private medical insurance or child care vouchers) employers should provide to their employees during statutory maternity leave. The guidance follows recent changes to the law extending the rights of women with an expected week of childbirth on or after 5 October 2008.

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