

JOELSON WILSON

EMPLOYMENT TEAM DECEMBER UPDATE

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COLLECTIVE REDUNDANCIES

Update from Our Employment Team: December 2009

Collective Redundancies

When is the duty to inform and consult triggered?

- When strategic decisions are taken or changes of activities occur which compel the employer to contemplate or plan collective redundancies.

What happens if the parent company makes the decision?

- In a corporate group, it is the subsidiary employer (rather than the parent company) who is under an obligation to inform and consult employees.

Practical advice

- Ensure that all companies within a corporate group who may make decisions which could lead to employees being made redundant are informed of the timetable for collective redundancy consultation.
- May need to build in time for an election of employee representatives (where 20 or more employees may be affected).

Sick Leave and Annual Leave

What happens when employees become sick during annual leave?

- Where an employee's pre-arranged annual leave coincides with a period of sick leave, the employee must be allowed to take an alternative period off as annual leave (*the Working Time Directive (2003/88/EC)*).

Practical advice:

- Consider introducing a requirement that employees do not self-certify their sickness, but must produce a doctor's report where sickness is longer than 7 days.

Injury to feelings compensation increased

When is this type of compensation awarded?

- Employer discriminates against an employee on the grounds of their sex, race, age, region or beliefs, disability, sexual orientation or as a result of pregnancy or maternity.

Guidelines:

- One off incidents (Lower band): up to £6,000 (formerly £5,000).
- Serious cases which do not merit an award in the highest band (Middle band): £6,000 to £18,000 (formerly up to £15,000).
- Long campaign of harassment (Higher band): £18,000 to £30,000 (formerly up to £25,000).

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Need to know more?

Ask us. For information/advice on employment issues, please contact:

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