

JOELSON WILSON

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EMPLOYMENT TEAM**

EMPLOYMENT LAW UPDATE: APRIL 2010

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EMPLOYMENT LAW UPDATE

Since 6 April 2010

FIT NOTES

Existing sick notes were replaced by a 'fit – note' system.

Sick notes allowed GPs to advise only that an individual should or should not work. However, fit notes allow GPs to tick an option to advise that an employee either is **"not fit for work"** or **"may be fit for work taking account of the following advice"**.

GPs required to confirm whether they consider a phased return to work, altered hours, amended duties and/or workplace adaptations would enable the employee, who 'may be fit', to return to work.

PRACTICAL IMPLICATIONS FOR EMPLOYERS

Where a fit note states the employee 'may be fit for work', the employer should:

1. Consider the advice on the fit note carefully, discuss it with the employee and seek to agree with the employee how the recommendations can be implemented.
2. Agree the specific adjustments that will be made, for how long they will apply and any other consequential changes (for example a change to pay where a reduction in hours has been agreed).

NEW RIGHT TO REQUEST TIME OFF TO TRAIN

Employees working for employers with 250 or more employees have a new right to request time off to train or study.

This right will be extended to all employees, regardless of the size of their employer, from 6 April 2011.

ADDITIONAL PATERNITY LEAVE AND PAY

Since 6 April 2003, employees (usually fathers), subject to qualifying conditions, are entitled to take a period of either one week or two continuous weeks' statutory paternity leave ("Ordinary Paternity Leave").

Under Additional Leave Paternity Regulations 2010, such employees have a new right to take up to 26 weeks' paternity leave in the first year of a child's life if the mother (or primary adopter) returns to work early.

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Need to know more? Ask us. For information/advice on employment matters, please contact:

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