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THE EQUALITY ACT 2010

The Equality Act is due to come into force in October bringing all the current discrimination

Welcome to our Newsletter

DEFAULT RETIREMENT AGE TO BE PHASED OUT

The new Government has recently announced its proposals to phase out the default retirement age of 65, and all associated statutory procedures, effective from 1st October 2011. This means that from 6th April 2011 employers will not be able to issue any new notifications for retirement on the basis of the default retirement age.

There will be transitional arrangements in place for employees intended to retire before 1st October 2011 which will allow the process to continue providing the correct statutory procedure is being followed and the employer gives notice before 6th April 2011.

Where the intended retirement date is after 1st October 2011, the default retirement age will no longer apply and any retirement will have to be objectively justified and may be difficult to establish.

Employers with a mandatory retirement age will need to review whether there are legitimate business needs for its retention. Failure to objectively justify a retirement age may result in claims for unfair dismissal

legislation together under one banner. The new Government is still working towards this date but it is likely that some of the provisions will be delayed or scaled back. More news on this once it becomes clear.

VETTING & BARRING SCHEME

The Government has put a halt to registration with the Vetting and Barring Scheme following criticism that it is overly burdensome on employers. Voluntary registration was due to start this July followed by compulsory registration in November. This is now on hold indefinitely whilst the scheme is reviewed.

FAMILY FRIENDLY RIGHTS

These rights are likely to be extended under the new administration to allow all employees the right to request flexible working. The Government is also supportive of the principle of allowing parents to share family

and/or age discrimination which may be difficult to defend.

AGENCY WORKERS REGULATIONS 2010

The proposals to give agency workers the right to equal treatment due to come into force in October 2011 are under review. It is unlikely that the proposed 12 week qualifying period will be brought in and other changes are likely to be scaled back.

NATIONAL MINIMUM WAGE INCREASES

The national minimum wage is set to increase from 1st October 2010 as follows:

Workers aged over 21 (previously over 22) : £5.93 (from £5.80)

Workers aged between 18 and 20 : £4.92 (from £4.83)

Workers aged under 18 (but above compulsory school age) : £3.64 (from £3.57)

FIT NOTE SCAM

Following the introduction of the 'Fit Note' it seems that fake "Fit Notes" are available to be purchased via the internet for as little as £10 each.

The website doctorsnotesstore.com is openly selling fake versions of the new fit notes. These have been described as authentic looking replica medical certificates, written on official doctors' note paper with a real stamp. It appears that the fake fit notes have a guaranteed 48 hour delivery and employees can choose to have notes stamped by doctors from medical centres in any UK city.

Despite the fact that the website claims that the documents are "for novelty use only" it is clearly the

leave. It's not yet clear what this will mean in practice, more information will follow when details are released.

case that employees could attempt to use one of these counterfeit notes to claim sickness payments. The best advice to employers is that if there is any suspicion that one of your employees has submitted a sick note which is false, it is reasonable to contact the surgery named on the medical certificate to check its validity and the fact that it was actually signed by the doctor named on the sick note.

Whatever next?!

And Finally...

Thankyou for reading our newsletter. We hope you found the articles of interest and we welcome any feedback you may have.



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