

This week in Employment Law

Paternity leave laws set to change

The Government has committed to making changes to paternity leave entitlements for the first time in several years.

- The changes will mean all employers will have to review their current policies and practices because the finer details of the paternity leave entitlement are affected, though no implementation date has yet been set.
- Currently, qualifying employees have a right to a maximum of two weeks' paternity leave which must be taken and completed within 56 days of the birth or adoption placement. Employees can take one week of leave but if they do, they lose the right to take the second week so their total entitlement reduces to one week.
- Employees must let employers know of the dates they want to take paternity leave by the 15th week before the expected week of childbirth.
- The proposed changes to the law mean that employees will be able to choose to take two separate blocks of one week of paternity leave.
- The period during which leave can be taken will increase from 56 days to one year.
- Employees will only need to notify employers of their entitlement to leave by the 15th week before the expected week of childbirth and then will need to give the dates of their leave 28 days before they actually want to take it.

Rail worker overtime ban causes commuter disruption

Members of the Aslef union have implemented an overtime ban this week which means they are only working for their standard number of hours per day. Rail companies have warned that those who rely on trains to travel to work may encounter late departures and short notice cancellations as they are unable to find cover for all services.

Did you know?

Employers do not need to pay employees for the time lost through lateness caused by train delays unless their contract says otherwise. However, employers may wish to be flexible given the reason for lateness and agree for employees to make up the time or cover it with time off in lieu.

EU law proposals consultation to end

The Government consultation on making changes to EU laws ends this week. The consultation seeks views on making changes to the Working Time Regulations 1998 and laws on TUPE transfers. Specifically, the Government has proposed to re-introduce rolled up holiday as a lawful practice, ease working hours record keeping requirements, simplify rules on annual leave and extend group consultation exemptions for TUPE transfers.

Did you know?

Further proposals to change laws derived from the EU are expected, particularly in the area of data protection.

RAF found to have used positive discrimination

The RAF was found to have discriminated against white males when they chose to push ethnic minority and female recruits into training slots to address their diversity imbalance. The tribunal found that the RAF had used positive discrimination which is unlawful. This practice involves favouring those whose characteristics are underrepresented in the workforce but are not the best recruits.

Did you know?

Positive action, which is lawful, allows for recruitment to be based on a protected characteristic to address a lack of diversity but only where candidates are equally as good as each other.