

## October 2010 changes to employment legislation

This checklist summarises the changes to employment legislation that will come into force in October 2010.

### Increases in the national minimum wage

Increases in the national minimum wage will take effect from 1 October 2010. The new hourly rates are as follows:

- **Standard (adult) rate** (the government will extend this rate to apply to workers aged 21 and over): **£5.93** (rising from £5.80).
- **Development rate** (workers aged between 18 and 20): **£4.92** (rising from £4.83).
- **Young workers rate** (workers aged under 18 but above the compulsory school age who are not apprentices): **£3.64** (rising from £3.57).
- **Apprentices:** a new minimum wage for apprentices will also be introduced of **£2.50**. This will apply to apprentices under 19 or those aged 19 and over but in the first year of their apprenticeship. The value of the accommodation offset also increases from £4.51 to **£4.61**.

### Equality Act 2010

The two main purposes of the Equality Act 2010 are to harmonise discrimination law and to strengthen it. It brings together and re-states the existing discrimination legislation and seeks to adopt a single approach where appropriate. However, it also contains a number of important changes to the law, including:

- Making employers explicitly liable, in some circumstances, for harassment by third parties in the workplace.
- Extending the concept of positive action to allow employers to recruit or promote someone from an under-represented group, but only where they have a choice between two or more equally-suitable candidates.
- Outlawing employers' pre-employment health enquiries unless they are made for prescribed reasons.
- Limit the enforceability of contractual "pay secrecy" clauses.
- Strengthen enforcement by enabling tribunals to make recommendations that benefit the wider workforce, not just the claimant.

The majority of the Act's provisions will come into force on 1 October 2010.

### Government guidance on the Equality Act 2010

The government has published a quick guide for businesses who sell goods and services which aims to help them understand their obligations under the Act:

<http://www.equalities.gov.uk/pdf/14314%20BCC%20Quick%20Guide%203rd.pdf>

Non-statutory guidance for service providers and employers has also recently been published:

<http://www.equalityhumanrights.com/legislative-framework/equality-bill/equality-act-2010-guidance>

## **New regulations for employment agencies and employment businesses**

The new regulations are intended to address the proper conduct of employment agencies and employment businesses, increase protection for vulnerable work-seekers and reduce regulatory burdens on employment agencies. They are due to come into force on 1 October 2010. Among other things, the regulations will:

- Require advertisements to specify whether the position is temporary or permanent. Advertisements will no longer need to include a statement confirming whether the organisation is acting as an employment agency or employment-business.
- Restructure the existing regulations on obtaining work-seekers' consent to terms before providing services.
- Modify the suitability checks that employment businesses and employment agencies currently must carry out on work-seekers.
- Introduce a 30-day cooling off period for performers (such as actors, dancers and singers) during which the work-seeker will have a right to cancel or withdraw from the contract with immediate effect.