

## Changes to GB employment laws – on the way here?

Recent employment law changes have been implemented in GB with the intention of reducing the number of cases going to Tribunal.

From now on, an employee wishing to bring an unfair dismissal or discrimination case must first try to resolve the issue with the Advisory, Conciliation and Arbitration Service (Acas), which is a body similar to our Labour Relations Agency (LRA). They will try to help the parties reach a settlement through conciliation which will be cheaper, less stressful and less time consuming for all concerned parties.

With the number of live tribunal claims in Northern Ireland currently around 4000, the LRA are likely to adopt a similar approach in the near future, a development which is likely to be welcomed by all practitioners in the employment area and should also reduce costs and stress levels for employers.

However, a separate GB change aimed at encouraging proper workplace practices is unlikely to come into force here.

From now on in GB, where an employee or former employee successfully brings a claim and the Tribunal finds there were especially bad workplace practises, then the employer can be fined up to £5000 on top of any award to the employee.

At present, however, there is no appetite for such a change in Northern Ireland.



## Changes to Tribunal Limits

The Employment Right (Increase of Limits) Order 2014 and its accompanying Northern Ireland equivalent have come into force and change the limits for certain awards available in the industrial tribunal.

The changes are as follows\*;

The changes are effective from 16th February 2014 in Northern Ireland and 6th April 2014 in Great Britain.

\* Please note the differences between NI & GB figures

MAIN CHANGES	NORTHERN IRELAND	GREAT BRITAIN
The maximum award for unfair expulsion from Union	From £8400 to £8700	£8400 to £8699
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"A week's pay" changes	from £450 to £470	from £450 to £464
The maximum basic award changes	from £5,500 to £5,700	from £5,500 to £5,676
The maximum compensatory award for unfair dismissal changes	from £74,200 to £76,600	from £74,200 to £76,574

## Minimum Wage Increases

Tribunal compensation limits have increased for a consecutive year.

Employers should be aware that the National Minimum Wage (Amendment) Regulations 2013 are now in force. The changes are as follows;

- The minimum wage for adult workers aged 21 or over increases from £6.19 to £6.31 per hour
- For workers aged 18-20, the rate changes from £4.98 to £5.03 per hour

- For workers under 18, the rate changes from £3.68 to £3.72 per hour
- For apprentices in the first 12 months of their employment or who are under the age of 19, the rate changes from £2.65 to £2.68 per hour
- The accommodation amount which is applicable where an employer provides a worker with living accommodation changes from £4.82 to £4.91 for each day that accommodation is provided

The rates are due to change again in October 2014.

## Whistle blowing

This past number of months have seen several high profile whistleblowing cases in Northern Ireland. In March a nurse was awarded undisclosed damages by the Industrial Tribunal following allegations of abuse and neglect, while the end of 2013 saw the Northern Ireland Fire Service and Ulster Bank make the headlines. Meanwhile in the Republic, the Garda Commissioner resigned following damaging disclosures by two gardai.

### The Law

The Public Interest Disclosure (Northern Ireland) Order 1998 inserts provisions into the Employment Rights (Northern Ireland) Order 1996 (the ERO) which provides protection against dismissal or detriment to a whistle blowing member of staff. To avail of the protection, the disclosure (the whistle blowing) must 'qualify' under article 67B(1) of the ERO and show one of the following;

- That a criminal offence has been committed, is being committed or is likely to be committed;
- That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health or safety of any individual has been, is being or is likely to be endangered;

- That the environment has been, is being or is likely to be damaged; or
- That information tending to show any matter falling within any one of the preceding sub-paragraphs has been, is being or is likely to be deliberately concealed.

It must be made in good faith and in the manner specified in the article.

### Bringing a Claim

The circumstances for bringing a claim are more relaxed than the usual employment law restrictions. There is no qualifying period for bringing a claim (i.e you don't need 52 weeks continuous employment) and while only 'workers' can avail of the protection against detriment, the term is given a wide meaning to include people in training and even, on occasion, the self-employed. The usual 3 month time limit applies and for cases of detriment it is 3 months since the detriment occurred or from the last of a series of events.

A claim can fail for a number of reasons e.g. an offence was committed in making the disclosure, it was made in bad faith, the information was obtained whilst obtaining legal advice and is therefore privileged, the disclosure was made to a third party for personal gain.

The usual unfair dismissal remedies apply; compensation, reinstatement, reengagement.