

Newsletter - Employment Law Update

FEBRUARY 2024

- 1. New Duties to Present Sexual Harassment**
- 2. Statutory Payment Rates April 2024**

1. New Duties to Prevent Sexual Harassment

From October 2024, new legislation (s40A Equality Act 2010) will create additional legal requirements for all Employers, to take proactive steps to prevent Sexual Harassment at Work. Managers will not be able to simply rely on paper-based training and policies within staff handbooks to defend themselves against claims of Harassment. Instead, they will need to take pro-active steps to demonstrate that they are preventing the problem.

Although the Government has not yet issued a step-by-step guide as to what proactive steps are, the following guidance notes have been developed from the Equality and Human Rights Commissions, as recommendations for all Employers.

- Directors will need to review existing procedures, including defining what constitutes harassment, steps to take should the problem arise, protection the Company will provide to those reporting it, and sanctions against offenders. As a result, a policy and procedure that is specific to the needs of the Company should be drafted.
- Staff should be consulted on the draft policy and procedure, to get their suggested adjustments, as well as commitment to the document.
- The document should be issued to all staff and displayed in public areas.
- All Managers and staff should either attend a briefing session regarding how the new/updated policy and procedure works, or be required to read the document and sign it to confirm that they understand and will comply with it.
- This will need to be repeated on an annual basis to ensure that the training doesn't become outdated. Provision of annual training would enable the Company to demonstrate that it has taken reasonable steps to prevent the problem. This can provide the Company with a valuable defence if it has to defend a claim of Sexual Harassment at the Employment Tribunal.
- The policy and procedure should include a simple and user-friendly reporting process should problems occur, as well as set out what action will be taken against offenders. For example, Employees who are found to have committed acts of Sexual Harassment would be accused of Gross Misconduct.

All Employees should be fully aware of the Policy and Procedure, and understand how it can be implemented.

From October 2024, Employers could face a surcharge of 25% on top of any compensation awarded to an Employee who successfully makes a claim of Sexual Harassment at an Employment Tribunal, if a Company cannot demonstrate how they have complied with the new rules.

2. Statutory Payment Rates from April 2024

Shared Parental Pay (ShPP)

Statutory rate of £184.03 or 90% of employee's weekly earnings if lower.

Maternity Pay (SMP)

6 weeks at 90% of average weekly earnings. Then statutory rate of £184.03 or 90% of employee's weekly earnings if lower.

Adoption Pay (SAP)

6 weeks at 90% of average weekly earnings. Then statutory rate of £184.03 or 90% of employee's weekly earnings if lower.

Paternity Pay (SPP)

Statutory rate of £184.03 or 90% of employee's weekly earnings if lower.

Parental Bereavement Pay (SPBP)

Statutory rate of £184.03 or 90% of employee's weekly earnings if lower.

Statutory Sick Pay (SSP)

£116.75 pw for 28 weeks subject to earnings (average £123 per week)

Minimum Wage from April 2023

Workers aged 21 and over (National Living Wage)	£11.44/hour
Workers aged 18–20	£8.60/hour
Workers aged 16-17	£6.40/hour
Apprentices under 19, or over 19 and in first year	£6.40/hour

PROFILE

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