

Later this month a number of employment provisions contained in the Enterprise and Regulatory Reform Act 2013 will be coming into force. The key changes for employers to note are:

Dismissal for Political Opinions

There will be no qualifying period of service for unfair dismissal purposes where the reason or principal reason for dismissal is, or relates to, an employee's political opinions or affiliations. This will apply to any dismissals which take place on or after 25 June 2013.

Whistleblowing

A number of changes are being made to the whistleblowing provisions.

First of all, a disclosure will no longer qualify as a "protected disclosure" unless the worker who makes the disclosure reasonably believes that it "is made in the public interest". This change is designed to prevent workers from claiming that a complaint or grievance about an alleged breach of their own contract constitutes the basis for a whistleblowing claim. Whether it will succeed in this remains unclear.

Bizarrely, the Government is also removing the requirement that a claimant must have made his protected disclosure in "good faith", but is giving Tribunals the ability to reduce compensation by up to 25% if it appears that the disclosure was not made in good faith.

Both of these changes will apply to disclosures made on or after 25 June 2013.

The principle of vicarious liability will also be introduced later in the summer to make employers liable for acts of retaliation for protected disclosures carried out by one employee against another.

Employers should review their whistleblowing policies to see if any changes need to be made to them.

Annual Adjustment of Statutory Limits

The formula for calculating "a week's pay" and other Employment Tribunal awards will be changed to prevent future increases above inflation. Rates or limits will be rounded up or down to the nearest £1 (instead of the nearest £10 or £100 as is the case now). According to the Government, this will reduce the financial burden on employers by £5.4 million per annum.

The annual change in limits will also take place on 6 April each year instead of 1 February.

Employment Appeal Tribunal Judges

As a general rule, proceedings before the EAT will be heard by a Judge sitting alone, i.e. without lay members.