

Employers with HR teams may be penalised if employment rights are breached

28 MAY 2012

Emma Sanderson

CONSULTANT | UK

CATEGORY:
ARTICLE

The Government has published the *Enterprise and Regulatory Reform Bill*, which sets out the detail of the recently proposed changes to employment law. Highlighted below are some of the key changes that may become law (subject to the will of Parliament).

Of note is a comment buried in the Notes to the Bill, which suggests that where an employer has a dedicated HR team, the employer may be more susceptible to receiving financial penalties for breaches of employment rights.

Take note those employers who ignore the wise counsel of their HR teams...

Key contents of *Enterprise and Regulatory Reform Bill*:

- System of financial penalties (up to £5,000) for employers who breach employment rights where there are 'aggravating features'.
- Requirement for individuals to involve ACAS before submitting an employment tribunal claim, giving ACAS an opportunity to facilitate an early settlement.
- Adjustments to the whistleblowing laws aimed at preventing individuals from claiming protection based on breaches of their own contracts.
- Renaming 'compromise agreements' to become simply 'settlement agreements'.
- Greater flexibility for the Government to adjust the financial cap on unfair dismissal compensation.
- Flexibility for simple or low value employment tribunal claims to be determined by 'legal officers' (instead of judges / panels) if the parties agree.
- Employment Appeal Tribunal judges to sit alone (instead of in panels) unless a judge directs otherwise.
- Changing the date when annual adjustments are made to certain statutory limits (eg a week's pay for redundancy payment purposes).

For more information please [click here](#) see the press release from the Department for Business Innovation & Skills.

Authors

Emma Sanderson

CONSULTANT | LONDON

Employment

 +44 20 7597 6017

 emma.sanderson@withersworldwide.com