

Transcript of Podcast

June 2007

Hello and welcome to this month's D&W Employment Vox, our regular podcast designed to update you on news and developments in the field of employment law. My name is Alasdair Anderson and in this D&W Vox, prepared by our employment team, we take a look at a selection of news highlights:

- **Fathers to receive 6 months paid leave**
- **Personal blogs – what are the workplace risks?**
- **The European Court of Human Rights upholds a Union's right to expel a BNP member**
- **And, if you thought teaching was the only way to achieve long holidays, why they might just be a ferry ride away.**

Additional Paternity Leave for fathers could become a reality by April 2009 if the current government proposals are approved. The Government is currently consulting over the finer details of an extended leave package for fathers. At the moment employed fathers can take 2 weeks Paternity Leave following the birth of their child and receive basic Paternity Pay. The new proposals would mean that fathers could receive up to 6 months paid leave if the mother returns to work early. The proposals envisage an extension in Statutory Maternity Pay at the same time as the introduction of Additional Paternity leave, with Statutory Maternity Pay being extended from 9 months to 12. Effectively this could mean that a mother could take the first 6 months off after the baby is born and then transfer the rest of her leave over to her partner.

As ever with new legislation the devil's in the detail. Although the government has made it clear that they want to make this as easy as possible for employers to implement, there are a number of issues that still need to be resolved. One way of reducing the administrative burdens is to ask fathers to self certify their absence, although this may have the flip side of leaving some employers exposed to fraudulent claims. In view of the government's research that some 239,000 fathers would be eligible for additional paternity leave and pay each year, the legislation will have a significant impact on employers and flexible working patterns. Whether highly paid fathers will jump at the chance of taking 6 months leave for just over £100 a week remains to be seen.

Blogging and its implications in the workplace seems to be the latest hot topic. In April's Vox we reported that a French employee was successful in her unfair dismissal claim, after her employers sacked her for comments in her blog. And now research by Croner, the human resources group, suggests that more than a third of 'blogging employees' are including information about their employer, workplace or colleagues on personal blog sites. Croner likens the informality of blogging with the early problems associated with e-mailing in the 1990's, where some employees were caught off guard by the conversational style of e-mails, oblivious to the permanency attached to their jokes and banter. Damaging statements published in personal blogs could have a negative impact on the reputation of the employee's workplace. To ensure that employees are aware that personal blogs could have implications on their work, employers e-mail, internet and media policies should outline the employer's approach to acceptable use and the repercussions of damaging or negative statements which identify the employer or the employee's colleagues.

The European Convention of Human Rights has confirmed that unions have the right to expel BNP members. There have been several cases concerning BNP members and their rights in employment law. In the latest case the European Court of Human Rights agreed with ASLEF that they were free to expel a BNP member, Mr Lee under the union's right of freedom of assembly. ASLEF argued that the BNP's policies and views were at odds with the union's views. The Court agreed that the union's rights under Article 11, which concerns freedom of assembly, were greater than Mr Lee's individual rights. The problem has arisen because ASLEF's actions in expelling Mr Lee were technically unlawful according to UK employment law. Currently UK trade union legislation prevents a union from expelling a member because of their membership of a political party. The government now plan to amend the legislation following the European Court's decision.

And finally, are you counting out how many days of your precious holiday entitlement you have left? Ever wished for more? Perhaps relocating abroad is the answer. A recent report by Mercer HR has revealed that the UK provides the lowest level of holidays in Europe. Whilst the average holiday entitlement in the UK is currently 28 days, consisting of 20 statutory days and 8 bank holidays, the European average is 34. Finland tops the league table with a rather generous 44 days, followed by France with 40. In contrast, just this week the Government announced their plans to delay the increase in the UK statutory entitlement from 20 to 28 days, which is now scheduled for October 2009. Since most employers already provide 28 days including bank holidays, the increase will have little impact for the vast majority of employers.

And that's the D&W employment Vox News for June 2007.

And if you want to find out how to access our bulletin or find out more about any of the issues covered in this D&W Vox please contact **Valerie Dougan** on **0131 200 7472**. Details on how to subscribe to our written bulletins can be found on our website at www.dundas-wilson.com. Each D&W employment Vox will also be archived on the website in case you want to listen again or tell a colleague about us. Our website also contains information on future events and seminars.

And that's all for this D&W Vox.

This podcast is correct to the best of our knowledge and belief at the time of going to press. It is however written as a general guide, so it is recommended that specific professional advice is sought before any action is taken. We are required by law to protect personal data.

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