

In the Know....

Scotland's Plans for Employment Law



Scotland's First Minister has announced plans for legislative change affecting employers in Scotland for both the short and long term. Here, we provide details on her intentions.

Differences in Law

In the main, employment law applies in the same way across the whole of Great Britain; minimum wage rates are the same in England, Wales and Scotland, as is the minimum annual leave entitlement and the laws relating to unfair dismissal. However, the legal system does allow for some differences in the detail of the application of the law across the different nations. Polar opposite stances on Brexit (Theresa May must see through the UK's exit from the EU due to the referendum result; Nicola Sturgeon is adamant she will do all it takes to remain in the EU) has highlighted the potential for divisions in legal practice. In a recent speech, Sturgeon highlighted several areas for change.

Adult Social Care Workers

There is a commitment between the Scottish Government and the Local Government to pay adult social care workers at least the Living Wage from October 2016. This rate is not to be confused with the National Living Wage of £7.20 per hour; the Living Wage is a separate concept which is not actually legally required. It is currently £8.25 per hour. Although it is not legally required, this joint commitment ensures that all affected workers will receive at least £8.25 per hour. The Living Wage is due to increase in November 2016, however, this will not apply to adult social care workers.

Employment Tribunal Fees

Sturgeon used the speech to confirm that she still intends to go ahead with the abolition of employment tribunal fees for "Scottish cases". Shortly after the Scottish referendum on independence from the UK,

Westminster decided it would reassign power for the administration of the Scottish tribunal system to Scotland itself. When this happens, Scotland will have the decision making power over the management of its claim system and this will involve removing the requirement for claimants to pay a fee to bring a tribunal claim.

"Scottish cases" will not be only those that made by an employee living in Scotland and working for a Scottish employer. It could also include employees in England and Wales whose employers have a connection to Scotland.

Scottish Independence

Draft legislation will be created that will enable another independence referendum in case it is decided that independence is the best way to protect Scotland's interests. When looking at Scotland as a single nation, the majority vote in the EU referendum was 'remain'; this is fuelling Sturgeon's desire to look at ways to either block the UK's exit from the EU or break away from the UK in order to retain its status of EU member. However, this may not be possible given the complexities of EU membership.

GP Contracts

The Scottish Government will, in partnership with the BMA, negotiate a new GP contract. This is not connected to the ongoing disputes between the Government, BMA and junior doctors that has led to numerous strikes across Great Britain.

The content of this briefing is correct at the time of publishing.

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