

*These notes refer to the Employment Act 2002 (c.22)*

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## **EXPLANATORY NOTES**

### **EMPLOYMENT ACT 2002**

#### **INTRODUCTION**

#### **OVERVIEW OF THE ACT**

#### **COMMENTARY ON SECTIONS**

##### **PART ONE: STATUTORY LEAVE AND PAY**

###### **Chapter One: Paternity and adoption leave and pay**

###### **Paternity leave and Statutory Paternity Pay**

Section 1: Paternity leave

Section 2: Statutory Paternity Pay

###### **Adoption leave and Statutory Adoption Pay**

Section 3: Adoption leave

Section 4: Statutory Adoption Pay

Section 17: Maternity Leave

Section 18-21 and 48 (see paragraph 142): Maternity Pay

Section 18: Maternity Pay Period

Section 19: Rate of Statutory Maternity Pay

Section 20: Entitlement to Statutory Maternity Pay

Section 21: Funding of employers' liabilities: Statutory Maternity Pay

##### **PART 2: TRIBUNAL REFORM**

###### **Costs and expenses**

Section 22: Awards of costs or expenses against representatives

Section 22: Payments in respect of preparation time

Section 23: Costs and expenses in the Employment Appeal Tribunal

## **Miscellaneous**

### **Conciliation**

Section 24: Fixed period of conciliation

Section 25: Power to delegate prescription of forms etc.

Section 26: Determination without a hearing

Section 27: Practice directions

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## **PART 3: DISPUTE RESOLUTION ETC.**

### **Statutory Procedures**

### **Employment Particulars**

Sections 35-38: Changes to written statements of terms and conditions

## **PART 4: MISCELLANEOUS AND GENERAL**

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Section 42: Equal pay questionnaire

Section 43: Union Learning Representatives

Section 44: Dismissal Procedures Agreement

Section 45: Fixed term work

Section 46: Fixed-term work: Northern Ireland

Section 47 and Schedule 7: Flexible working

### **80F Statutory right to request contract variation**

### **80G Employers' duties in relation to applications under section 80F**

### **80H Complaints to employment tribunals**

### **80I Remedies**

Section 48: Rate of maternity allowance

Section 49: Work-focused interviews for partners

### **Section 2AA: Full entitlement to certain benefits conditional on work-focused interview for partner**

Section 50: Use of information for, or relating to, employment and training

## **SCHEDULES**

## **FINANCIAL EFFECTS OF THE ACT**

## **PUBLIC SERVICE STAFFING EFFECTS**

### **SUMMARY OF REGULATORY IMPACT ASSESSMENT**

**Overview of the impact of the Act**

**Better dispute management**

**Removing procedural traps in unfair dismissal cases**

**Fixed period of conciliation in all Tribunal cases**

**Wasted costs**

**Equal Pay questionnaire**

**Overall effect of dispute resolution procedures**

**Participation in the labour market and retention, and development of skills**

**Paternity leave and pay**

**Adoption leave and pay**

**Maternity Pay**

**Duty to consider requests for flexible working from the parents of young children**

**Putting Union learning representatives (ULR) on a statutory footing**

**Preventing pay and pensions discrimination against fixed term employees**

**Impact on small businesses**

**Summary Table**

**Quantifiable Benefits**

**Quantifiable Costs**

## **COMMENCEMENT**

## **EUROPEAN CONVENTION ON HUMAN RIGHTS**

## **HANSARD REFERENCES**

## **GLOSSARY**