

NEW LEGISLATION OUTLINES EMPLOYEE TRAINING RIGHTS

By Clare Waller, Director HRJ Law LLP

From April 2010 employees will have the right to request time off work for training and employers will have to give serious consideration to any requests made. Although it was initially proposed that this right would apply to all employees, the Government have subsequently states that it wants to reduce the financial burden on employers during the current financial difficulties and therefore has announced that when the scheme is introduced in April 2010 it will only apply to businesses that employ 250 staff or more. It is currently proposed that it will be extended to all employers in April 2011.

The Apprenticeship, Skills, Children and Learning Bill gives employees the right to make a formal request in the same way that they currently do for flexible working. They can request time off to undertake accredited programmes leading to a qualification or unaccredited training to help them develop a specific skill relevant to their job. In both cases, the most important requirement is that training should help improve business performance and productivity. The new entitlement will apply to all employees with at least 26 weeks' employment with that employer which is currently 22 million employees.

Employers are under no obligation to grant a request if there is a good business reason not to do so. Neither are they obliged to pay an employee's salary while they are undertaking training or required to organise or pay for the training. However it's the Government's hope that many will choose to do



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so, recognising the opportunity to improve their business by investing in the skills of their employees. It also hoped that the new legislation will encourage more employers to organise good employee review processes in which training needs are discussed.

Skills Secretary John Denham, who led the initiative, has argued the legislation will give many workers their first proper chance to have a serious discussion with their managers about their training needs. Initial suggestions are that as many as an extra 300,000 employees a year could receive skills training as a result of the legislation. Government figures show that one-third of employers do not train staff and eight million employees receive no kind of training at all.

The legislation has received a fairly positive response from industry bodies with the CBI, the Chartered Management Institute of Policy and Research and the TUC supporting the initiative. The Federation of Small Businesses has however expressed concern that 'enshrining the right for employees to request time to undertake training could cause administrative problems for small employers.' There does appear to be a wide ranging consensus that investment in skills is key to ensuring that the UK comes through with a stronger economy and makes sure individuals can make the most of their abilities. Whether these Regulations will provoke a change in attitude amongst those employers and employees where training and the benefits which can be gained by it are not already recognised will remain to be seen.



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