



PEOPLE matter



Recruitment roulette

It may be a recession but people are still recruiting and as things pick up this is set to continue. Recent changes to legislation mean that from next year, jobs open to foreign skilled workers must be advertised to workers in the UK in Jobcentre Plus for four weeks – extended from two weeks – before companies can employ individuals outside of Europe. This will ensure that UK workers are not only first in line for jobs, but also have more time in which to apply. Changes such as this ensure that businesses can recruit the skilled workers that the economy needs, but not at the expense of British workers or as a cheaper alternative to investing in the existing workforce. And for those businesses who do employ foreign nationals, be warned that the UK Border Agency is hot on the tails of those who fail to comply with the correct processes. In a recent high profile case, Baroness Scotland, the Attorney General, has been fined £5,000 for employing a non-EEA national who was not permitted to work in the UK, ironically breaching the law that she helped draft. It serves as a warning to employers and shows how easy it can be for an employer of one to fall foul of the rules, let alone larger employers. There are a number of hoops employers are expected to jump through in order to meet the rigorous and defined processes involved in illegal working checks. This includes repeating checks annually and keeping all documentation for a further two years after the employee leaves employment. Details on exactly what is required can be found at the UK Border Agency's website www.ukba.homeoffice.gov.uk

And on a lighter note... (no pun intended)

Campaigners looking for 'fatism' to be made unlawful, along similar lines of disability, age and sex discrimination, staged a demonstration outside the office of the Mayor of London recently. Dr Ian Campbell of the charity Weight Concern is reported as saying he was doubtful that legislation would have any immediate effect on the situation and a spokesman for the Equality and Human Rights Commission pointed out that obesity is already protected by legislation if it amounts to a disability. In a recent high profile case a twenty five stone postman who was dismissed from his job in Ayr because he was too obese to deliver letters has been awarded more than £24,000 in compensation and told he can return to work for Royal Mail.



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People Matter is a regular bulletin for business owner/managers who want the staff, but don't want the hassle of dealing with all the red tape that comes with them.

If this was forwarded to you, and you'd like to receive more bulletins on getting more from your team, please email with 'People Yes' in the subject line. If you no longer wish to receive bulletins from us, please email with 'People No' in the subject line.

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Do you employ staff who work with children or vulnerable adults?



A new vetting and barring system came into force on the 12th October to protect children and vulnerable adults. The scheme, which is run by the Home Office in partnership with the Criminal Records Bureau and the Independent Safeguarding Authority (ISA), means that those working or volunteering with children or vulnerable adults will have to face background checks. This will also apply to parents who regularly give children lifts on behalf of sports or social clubs. According to regulations anyone taking part in activities involving frequent or intensive contact with children or vulnerable adults three times in a month, every month, or once overnight, must register with the ISA and those who ignore

the new regulations could face fines of up to £5,000. There has been public outcry in response to the scheme, which is set to impact 11.3 million people in England, Wales and Northern Ireland. While it has been developed to protect children from paedophiles and prevent a repeat of the Soham murders, those against the scheme argue that an excess of governing bodies and umbrella authorities expands the reach of the state and impinges on civil liberties. It's argued that the consequence of this will be an increase to cost and administrative burden and it will discourage those who volunteer their services for the good of the community. Previous employers and professional bodies are under legal duty to inform ISA if they

think someone poses a risk. Ed Balls, the children's secretary has been the first senior minister to come out and defend the scheme. He has made it clear that the ISA should operate to get the balance right; ensuring informal arrangements between parents will not be covered. It is stressed that for those involved it will be a one off process for a single fee, unlike repeated CRB checks. The cost will be £64 for those in paid employment but will be offered free for volunteers. Chairman of the ISA has hit out at criticism of the initiative arguing that the purpose of the scheme is to ensure that those who have already been dismissed by their

employers for inappropriate behaviour with children cannot simply move else-where in the country to continue their abuse. The scheme will be phased in from October 2009 – registration and checking will be mandatory from November 2010. A separate but aligned scheme will be set up in Scotland, to be introduced next year. In the meantime HR Dept can now process CRB checks on your behalf so do speak to us.

Travel sickness

With the flu season about to commence, the latest ruling by the European Court of Justice about what happens when a worker is sick during holiday, has been announced to the absolute horror of most Employers. In this judgment the Court explains that the Working Time Regulations gives four weeks holiday for relaxation and leisure which is deemed necessary for workers health, safety and wellbeing. On the other hand, sick leave is given to allow employees to recover from illness. Therefore an employee who is sick whilst on holiday may retake the holiday at another time. The ruling will apply to the public sector immediately but the Working Time Regulations will need amending before they apply to the private sector.



However, please take advice if a request is made as no doubt there will be test cases soon on their way to the tribunals. One concern for Employers is that the system is open to abuse and to prevent this do ensure all staff are aware and follow the sickness absence reporting rules as these would still apply to the employee on holiday. If you would like a free review of your policy to see how it could be improved please call us. The sad part of this ruling is that it will discourage employers from providing Company sick pay as employees are unlikely to want to have Statutory Sick Pay where the first three days are unpaid instead of their normal weekly pay during this period.

VITAL STATISTICS

Employment and litigation issues

STATUTORY PAY (rates are reviewed each April)

Maternity/Adoption pay – SMP/SAP is paid for 39 weeks. Pay rate for first 6 weeks of SMP: 90% of the employee's average weekly earnings. SMP remaining weeks/SAP: £123.06 or 90% of average weekly earnings, whichever is less.

Sick pay – £79.15 a week.

REDUNDANCY PAY (next review February 2011)

Pay rate – 0.5 weeks pay for each year of service for employees aged under 22 (a week's pay is £380).

1 weeks pay for each year of service for employees between the ages of 22 and 40. 1.5 weeks pay for each year of service for employees aged 41 and older.

NATIONAL MINIMUM WAGE (reviewed each October)

Hourly pay rate – £5.80 workers aged 22 and older, £4.83 workers aged 18 to 21, £3.57 workers aged 16 to 17.