

Human Resource News
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HR newsletter

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Private Companies to publish Gender Pay Stats

A recent report has emerged that claims the Equalities Office is drawing up a clause that would require private companies to publish the number of men and women they have in each pay bracket. At present only public sector employers and private firms bidding for state work are required to publish statistics on gender pay differences.

A government spokeswoman said: "It is nonsense to suggest that the Government Equalities Office is writing amendments to an unpublished Bill."

She added: "The government is committed to tackling the gender pay gap. We are working with the Equality and Human Rights Commission, businesses and unions on proposals to increase transparency in the workplace, for example, by banning secrecy clauses which prevent people from discussing their pay. This will stop pay inequality remaining hidden and untouchable."

Last year the gender pay gap increased to 17.1%, according to official analysis of average full time hourly earnings, with part time wages having a larger gap of 36.6%. However, employers remain sceptical that reporting pay differences would help bridge the gap.

Neil Carberry, the head of employment policy at the CBI, said: "Forcing companies to reveal meaningless statistics will not tackle the real causes of gender inequality. The key cause of the pay gap is occupational segregation."

The Equality Bill was in December's Queen's Speech and is expected to pass through Parliament soon.



Health & Safety Offences Act 2008

On the 16th January 2009 new penalties available to courts in respect of certain Health & Safety offences came into effect as part of The Health & Safety at Work etc Act 1974. The new legislation gives courts greater powers in sentencing those who are in breach of H&S legislations, widens the range of offences for which an individual can be imprisoned and increases the maximum penalties from £5,000 to £20,000 in the lower courts. Higher courts can impose unlimited fines.

More offences are now imprisonable including breaches by individual directors and employees, although it is stressed that prison is reserved for the most serious cases.

These sentences are aimed at

detering businesses who do not take their health and safety management responsibilities seriously and it is hoped it will encourage employers to comply more readily with the law. Allowing lower courts to resolve cases will reduce cost and create more efficiency overall, with sentences issued to notable H&S offenders that will reflect the severity of their crime.

There are no changes to the existing legal duties of businesses and the HSE have made it clear that their enforcement policy will target "those who cut corners, gain commercial advantage over competitors by failing to comply with health and safety law and who put workers and the public at risk." Good employers and managers have nothing to fear.

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Award Limits Increase

As from 1 February 2009, under the Employment Rights Order 2008, a number of limits applying to tribunal awards and other amounts payable under employment legislation will increase. The new limits will be applicable to events that happen after 1 February 2009. The limits are as follows:

| Relevant statutory provision | Subject of provision | Old limit 1 Feb 2008 | New limit 1 Feb 2009 |
|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|
| Trade Union and Labour Relations (Consolidation) Act 1992 | Amount of award for unlawful inducement relating to trade union membership activities, or for unlawful inducement relating to collective bargaining. | £2,900 | £3,100 |
| Trade Union and Labour Relations (Consolidation) Act 1992 | Minimum amount of basic award of compensation where dismissal is unfair by virtue of the Trade Union and Labour Relations (Consolidation) Act 1992 | £4,400 | £4,700 |
| Trade Union and Labour Relations (Consolidation) Act 1992 | Minimum amount of compensation awarded where individual excluded or expelled from union in contravention of the Trade Union and Labour Relations (Consolidation) Act 1992 | £6,900 | £7,300 |
| Employment Rights Act 1996 | Limit on amount of guarantee payment payable to an employee in respect of any day. | £20.40 | £21.50 |
| Employment Rights Act 1996 | Minimum amount of basic award of compensation where dismissal is unfair by virtue of the Employment Rights Act 1996, | £4,400 | £4,700 |
| Employment Rights Act 1996 | Limit on amount of compensatory award for unfair dismissal. | £63,000 | £66,200 |
| Employment Rights Act 1996 | Limits on amount in respect of any one week payable to an employee in respect of debt to which the Employment Rights Act 1996, Part XII applies and which is referable to a period of time. | £330 | £350 |
| Employment Rights Act 1996 | Maximum amount of 'a week's pay' for the purpose of calculating a redundancy payment or for various awards including the basic or additional award of compensation for unfair dismissal. | £330 | £350 |

Racial and Religious Discrimination worth £16.7M

A Muslim bank worker is suing her former employer, Halifax Bank of Scotland (HBOS) for alleged sexual, racial and religious discrimination in the sum of £16.7m.

The married 29 year old claims she was subjected to various forms of discrimination whilst working for HBOS during 2007 and 2008. The incidents included being accused by a Manager of sleeping her way to the top, while another said he'd watched her on holiday wearing a bikini. The same man is alleged to have mocked her while she fasted during Ramadan and to have said he did not want to work with Asians.

"This was the sort of disgusting innuendo I had to put up with," she said in papers submitted to the tribunal.

"I did my best to ignore it but he knew how to wind me up and to hurt me."

It is reported that after complaining about the alleged abuse she was transferred to another branch, but continued to suffer harassment from a different Manager.

The £16.7m that is being sought is, according to her solicitor, compensation for loss of earnings, injury to feelings, aggravated damages and punitive damages. The punitive damages are to be based on a percentage of the bank's gross turnover during the period of the alleged discrimination. HBOS's UK turnover in 2007 was £4.25bn.

It is understood the managers concerned have denied the allegations. HBOS is not commenting on the case.

This amount, although a huge sum to us would not top the charts for an award payout – the highest ever was £19m to city lawyer Gill Switalski, who won a sex discrimination claim against F&C Asset Management. However, the case still continues after F&C were given permission to present fresh evidence.

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Companies urged not to ignore safety during recession

Article by Vision's Philip Jones BSc (Hons) CMIOSH, Chartered H&S Practitioner

There is now agreement that the UK economy is firmly in recession and as a consequence businesses are paying particular attention to their costs. The search for savings which is taking place in the majority of board rooms up and down the country is now in sharp focus, and inevitably some decision makers may view it's health and safety activities, for example, health and safety training or investment in new plant and equipment, as one of their cost cutting targets

In response to this debate, numerous articles have been written in various publications aimed at small – medium enterprises, which argue that businesses must maintain investment levels and not to cut corners on health and safety during the economic downturn. Indeed, The Royal Society for the Prevention of Accidents is urging UK employers not to turn a blind eye on safety spending and to treat the investment as an essential economic ingredient.

Roger Bibbings, RoSPA Occupational Safety Adviser, said: "Given the current financial climate, there is a danger that occupational health and safety could be seen as a problem largely solved - a 'nice-to-have' rather than a really essential social and economic ingredient. There could be a temptation to cut corners, reduce standards or delay introducing essential protective measures.

But we must avoid seeing an increase in the number of health and safety casualties as part of the price to be paid by workers and members of the public for the recession.

In addition to the legal and moral reasons for preventing accidents and ill-health, employers also need to recognise the strong business case, which exists even when times are tough.

Risk assessments are a case in point. While 'suitable and sufficient' risk assessments are a legal requirement, they do not have to mean an overload of red tape and, properly undertaken, they should help businesses to direct scarce resources towards priority issues."

Roger Bibbings continued: "But a more compelling argument for keeping faith with health and safety in a recession is that when there are no longer opportunities to improve the bottom line by increasing turnover, controlling loss becomes even more important. And recession is coming at a time when penalties for non-compliance are being increased substantially and third parties such as clients are continuing to demand higher standards.

In an increasingly competitive environment, the ability to demonstrate effective health and safety management will be all the more important in winning future business."

In addition to RoSPA's view, the Government is certainly showing no sign of deferring the introduction of new regulations, which in times of recession, is often called for by some trade organisations, to 'soften' the impact of the downturn. The Health and Safety Offences Act 2008, a new piece of legislation that will give courts greater powers of sentencing and increase fines for those who breach health and safety legislation, came into force on 16th January 2009.

The Act amends Section 33 of the Health and Safety at Work etc Act 1974, and raises the maximum penalties available to the courts in respect of certain health and safety offences.

The Act widens the range of offences for which an individual can be imprisoned and increases the maximum penalties that can

be imposed for health and safety regulation breaches, from £5,000 to £20,000 in the lower courts. Sentences can now be more easily set at a level that will deter businesses that do not take their health and safety management responsibilities seriously and further encourage employers and others to comply with the law.

Furthermore, by extending the £20,000 maximum fine to the lower courts and making imprisonment an option, more cases will be resolved in the lower courts so that justice will be more expedient, less costly and more efficient. Whereas in the past there were more limited options, jail sentences for particularly blameworthy health and safety offences committed by individuals, can now be imposed reflecting the severity of such crimes.

There are no changes to the existing legal duties of businesses and the HSE have made it clear that their enforcement policy will target "those who cut corners, gain commercial advantage over competitors by failing to comply with health and safety law and who put workers and the public at risk." Good employers and managers have nothing to fear.

The full text of the Act can be found at: www.opsi.gov.uk/acts/acts2008/ukpga_20080020_en_1

So in conclusion, despite the recession, businesses are still operating and employees and others continue to encounter occupational hazards on a daily basis. Effective health and safety risk management therefore, remains as important as ever and with the recent addition to the UK's occupational safety and health legal framework, robust health and safety controls remain just as important now as they are during times of economic growth.

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Credit Crunch Claims

As people struggle to cope with the credit crunch they increasingly look to alternative ways to make a quick buck. In September's issue of FHM an article was produced titled "But the CEO touched my man – garden! Can you raise your redundancy payout with a little white lie?"

Although the article was written in jest, legal action is an ever increasing threat to businesses today. The article looks into the possible claims against employers, with "I'll expose all your filthy little secrets" being the most reliable option for gaining compensation.

It is reported that there could be a trend in the rising number of claims, as redundancies also soar. According to the Chartered Institute of Personnel & Development 600,000 workers face redundancy during 2009, with many others facing pay freezes or outright pay cuts. It is said that many of these will claim they have been discriminated against, with a favourite cause being age discrimination.

Unlike damages for unfair dismissal, the amount of money awarded for age discrimination is not capped. If an employee can prove they were made redundant because they are too old or too young. This could significantly boost

the amount of money they receive from employers.

Government figures earlier this year showed that the number of workers between 50 and 65 had fallen, suggesting that some had become the victims of credit crunch job losses. In the current climate, laying off the best-paid staff often equals laying off older staff, meaning that employers could be vulnerable to age discrimination claims. Those approaching retirement who are not offered the possibility of being made redundant may also have a case, as can young employees who receive a small redundancy pay because of age.

Some of the larger names in the spotlight in 2008 included the Metropolitan Police, Channel 5, Debenhams and the NSPCC.

So think hard, could your employees find an excuse for making a claim? Below is our list of how you can make a claim (Note: do not circulate this document around the workplace in case anyone gets any funny ideas!):

Age Discrimination

If you are old start acting like a know-it-all to annoy everyone else in the workplace. That way when you get sacked you can blame everyone for being jealous of your knowledge, which only comes with age and therefore is age discrimination. If you are one of the youngest make sure you tell everyone that you are wrinkle free and beautiful, and that you have your whole life ahead with such marvellous opportunities.

That way when you get sacked it is obvious they are all jealous of your youth.

Sexual Discrimination

More often than not a colleague has made flirtatious comments which you could use as sexual discrimination. Make a note of the date and time and exact wording and make sure you scowl when it is said, to demonstrate you are not enjoying the attention. Also stand in the way when colleagues are in a corner so that they are forced to brush past you and then make a "humph" noise to show you are displeased.

Religious Discrimination

Join a cult and start practising your beliefs at work. For instance, in your cult you must pray for ½ each morning and afternoon by singing loudly at the top of your voice. When this finally annoys your colleagues so much that you get the sack you can claim religious discrimination, after all, everyone should be allowed to openly practise their beliefs.

Bullying & harassment

Does your boss 'bully' you into doing your work? Make sure you take offence every time they ask you to do something, and then 'harass' you when it is not done. Make a note of the date and time of each offence as this will provide handy evidence. Also make sure you are as obliging as possible to their face in order to look as if you are actually trying hard.

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