

HR newsletter



In this issue



Sexual Discrimination Act



Maternity Benefits

page 2



You're Fired!

page 2



Vision Risk Management Seminars

page 3

Welcome to this months Vision Risk Management HR and H&S News Letter

Legislative timetable

The Employment Bill is scheduled for autumn this year and is likely to repeal the current statutory dispute resolution procedures, introducing measures to encourage the early and informal resolution of issues. In addition, the bill is likely to introduce new measures which will help to ensure Companies pay their employees at least the national minimum wage.

Increases in statutory payments

Remember that with effect from the 6th April 2008:

- Statutory Maternity, Adoption and Paternity Pay will increase from £112.75 to £117.18 per week.
- Statutory Sick Pay will increase from £72.55 to £75.40 per week.



The Corporate Manslaughter & Corporate Homicide Act 2007 came into force on the 6th April 2008

Are you prepared for the potential implications the Act may have on your company policies and procedures? In last months newsletter we focused on this important legislation. If you missed this newsletter and would like a back copy please email katesonnet@visionunderwriting.co.uk and we will be pleased to send you a copy by return.



Changes to the Sexual Discrimination Act

New Sexual Harassment rules are set to provide further challenges to employers adding a greater degree of complexity and responsibility.

The changes to the Sexual Discrimination Act came into force on the 6th of April 2008 means new Sexual Harassment Rules. Employers will have a duty to protect staff from being sexually harassed by customers or the public.

The changes mean that if an employer is aware of at least two sexual harassment incidents and fails to take reasonable steps to protect their employees, those employees are entitled to seek damages from the employer.

David Law, Head of Vision Risk Management Limited commented, "Employers need to give serious thought and consideration to this complex and delicate subject. There is a risk to all institutions, organisations and employers; however, certain industry sectors

are carrying a higher risk such as retail, marketing, sales & promotion companies, pubs, bars and waiting staff at restaurants."

"The changes to the Sex Discrimination Act will be a major challenge to some employers. For many employers there is a fine line which can exist between employee and customer engagement, particularly where firms encourage social banter, seductive selling and

socialising with their customers."

"Employers must take action to prevent any potential exposure to an employee compensation claim, but I don't believe that employers will find this easy when push comes to shove.

Warning staff about their behaviour is one thing, however, warning customers will be much more difficult. Many employers will be reluctant to confront their customers about inappropriate behaviour and that such behaviour will not continue to be tolerated"

"...Employers need to give serious thought and consideration to this complex and delicate subject"



Ros Gumbley Reports

In light of the High Court's decision in *Equal Opportunities Commission v Secretary of State for Trade and Industry* [2007], the Sex Discrimination Act 1975 has now been amended. The amendments will be effective from the 6th April 2008 and will affect those women whose expected week of childbirth will fall on or after the 5th October 2008. The regulations will have the following impact:

- clarification of the meaning of "remuneration", and
- the removal of the distinction between entitlement to non-pay benefits during ordinary maternity leave and during additional maternity leave

As a result, Companies will have to give an employee contractual benefits during the whole of her maternity leave period.

Unfortunately it will result in greater costs for Companies where employees are currently offered a range of benefits. Before this landmark case, the issue as to whether to continue to provide contractual benefits to employees who are on additional maternity leave has been an area of much debate.

We have seen various case law regarding the treatment of certain benefits during the additional maternity leave period; in particular the treatment of company bonuses, however, the revised regulations will now clarify how all benefits are to be treated. Companies will need to give careful consideration to their current practices and policies, and will need to update their procedures accordingly.

Ros Gumbley is a practicing independent HR consultant and is an approved HR Panel Advisor for Vision Risk Management Ltd. She is also a member of the CIPD and a regular contributor to Vision Risk Management Employment Law News Letters

Information and Consultation of Employees Regulations 2004



Companies who have 50 or more employees will now be affected by the Information and Consultation of Employees Regulations which came into force in 2004. These regulations have been gradually introduced since 2004 and this is the last group of Companies who will be affected by the regulations.

Employees may make a request for the Company to set up an employee forum. The Company could then be obliged to make arrangements for this to happen, employee representatives would need to be elected and a constitution regarding the matters on which the representatives will be informed and consulted will need to be developed.

Employers do not have to wait for such a

forum to be formally requested; instead it is advisable that the Company takes proactive measures to set up an employee forum. The Forum can be used to inform employees of company activity and progress, health and safety matters and working conditions. These regulations however, are now under EU scrutiny.

The Regulations are under the microscope by the European Commission for being too "employer-friendly".

Officials in Brussels claim that the UK's interpretation of the original European directive was flawed. Following heavy pressure from business leaders, the government allowed employers with pre-existing consultation agreements to be exempt from the regulations. The EC said it would ask the UK government to justify this decision, and said it was prepared to launch legal proceedings to instigate a change.

"You're fired!"

The BBC hit reality show, *The Apprentice*, lasts 12 weeks, which means that this has to be the most protracted interview process in the land.

As each week passes a disappointed candidate is rejected by Sir Alan using his famous catch-phrase "You're fired".

Are Sir Alan or the Producers of the BBC hit show exposing themselves to an employment tribunal claim?

Well it's unlikely.



Everyone knows *The Apprentice* is purely an entertainment show with candidates hoping to seek fame. In reality the candidates know they are taking part in a competition.

Employers should be warned not to try Sir Alan's methods of dismissal as seen on the show as employment tribunals may not be so entertained by an employer's Sir Alan Sugar impersonation!

HR newsletter

A trainee police officer seeks a staggering £500,000 in compensation

A trainee police officer is seeking £500,000 compensation after he was forced to quit his post at South Woodham Ferrers police station in Essex because he was dyslexic.

According to the Daily Mail, Officer Owen Brooking's superiors labelled him 'thick' and 'lazy', despite him having passed his initial training programme. Brooking complained to the Stratford Employment Tribunal that the Essex force made no allowances for his dyslexia, and ridiculed him.

The tribunal ruled he was left with 'no

option' but to resign, because he was 'taunted and humiliated' by some of his colleagues, being forced to re-do endless paperwork in a deliberate bid to humiliate him. Brooking is demanding half a million pounds in compensation to reflect loss of earnings and pension rights from being denied a 30-year police career.

Brooking currently works as a Police Community Support Officer in Leigh-on-Sea. The compensation figure is to go before a High Court Judge.



Vision Risk Management Seminars...

...are hitting the spot with employers!

Vision Risk Management, Head of Operations, David Law reports:

The regional Vision Employment Law seminars are being very well received by local employers who attend these events. Audiences are highly receptive and our post seminar surveys have shown, without exception, that attendees have found the content highly informative.

The latest seminar was held on the 5th March, in Devizes, Wiltshire. This was part of our sponsored free event programme open to local businesses. The post seminar surveys completed by the applicants showed 46% of the employers who attended had suffered an employment dispute over the last 24 months. Many employers may be surprised by this statistic however this is of no surprise to us. This

is consistent and indicative to the dispute trends released by the tribunals' service.

Employers throughout the UK are now realising that it is vital that they look at practical ways of protecting their balance sheet against employee claims. Employers are beginning to understand the real business threats that today's complex statutory employment legislation mean. Employers realise they can no longer manage this problem without professional support.

Our solutions provide employers with vital balance sheet protection, underpinned by superior managed support and assistance through highly qualified HR consultants.

With our support an employer can be protected and ensure they always operate in best practice.

Did you know?

Many employers do not realise that they have a duty to help sufferers of dyslexia in the workplace.

Dyslexia comes under the remit of the Disability Discrimination Act (DDA).

It is also covered by the Disability Equality Duty, which requires organisations in the public sector to have a Disability Equality Scheme in place.

This means that employers are required to identify dyslexia and modify their procedures accordingly.

Our forthcoming Employment Law Seminar

Wednesday 30th April 11.00am to 1.00pm

Venue: Bisham Abbey, Bisham, Near Marlow, Bucks, SL7 1RT

Subjects Covered:

- Recruitment & Selection
- Anti Discrimination Legislation
- Basic Employee Rights
- Resolving Work Place Disputes
- Family Friendly Obligations
- Computer Access - Email & Internet

Guest Speaker: Julia Carter

Julia qualified and worked as a Solicitor and Barrister specialising in Employment Law. She has over 15 years experience advising and supporting clients on a diverse range of employment issues, including representation at tribunals, running training courses and public seminars. Julia's approach is to give practical commercial advice to guide employers through the ever increasing complexities of managing a workforce.

If you would like to attend this free seminar call us on: 0845 625 0626

Reservations are essential

About Vision Risk Management

Vision Risk Management Limited is a leading UK provider of assured, managed HR and H&S assistance who deliver diverse HR and H&S support solutions to a diverse customer base. For further information on how Vision Risk Management Limited can help and assist your business please contact us on 0845 625 0626 or email enquiries@visionriskmanagement.com

Vision Risk Management Limited are a fully owned subsidiary of Liberty Mutual and are an Appointed Representative of Vision Underwriting Limited a subsidiary of Liberty Mutual who are Authorised and Regulated by the Financial Services Authority.

For more information visit www.visionunderwriting.co.uk

Note: Whilst care is taken in the production of this document, you should seek confirmation from us or other suitably qualified people before taking, or failing to take, any specific course of action. We cannot accept responsibility for action taken, or not taken, based on the contents to our documentation alone.



Member of Liberty Mutual Group