

Human Resource News
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HR newsletter



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

vision employure: An extraordinary endorsement!

Two months ago our products and services were reviewed by a recognised independent research, marketing and management consultancy, Straight Solutions Limited.

Our employure: product was reviewed along-side virtually all of the varied products and services provided by many of the HR and H&S Service providers in the UK. We were thrilled but not surprised with the extraordinary endorsement we received. This endorsement has since been published on our new web-site in addition to some of the other professional endorsements vision employure: has received.

The review was carried out by Brian Dunk who commented:

"I have professionally reviewed most if not all of the employment schemes on the market and this is one that really does what it says on the tin. It also insures the client in the event of an employment dispute, covering the client against the cost defense and awards.

Employure is a service designed with integrity, the Consultants are all excellent and the Insurers recognise they are there to pay claims if needed.

The employure: scheme offers genuine value, to small and large employers at a fixed budgeted cost. If you want cheap, look elsewhere but if you want a proper job then employure: is well worth considering.

In my professional opinion this is a service that employers should check out before making any decisions on which provider they use for employment advice."

Brian Dunk MCIM FCII
Chartered Insurer, Straight Solutions Ltd

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Both temporary and agency workers in the UK will receive equal treatment after 12 weeks continuous employment. Essentially these workers will be entitled to the same pay as permanent workers, however, both temporary and agency workers will not be entitled to sick pay or pension rights.

CBI Deputy Director General, John Cridland commented "There has been a major risk of damaging legislation coming from Brussels, and the CBI has judged that the government's proposals represent the least worst outcome available for British business. Half of agency assignments will be unaffected as they last less than 12 weeks - protecting businesses' ability to deal with peaks

and troughs in demand and shorter-term staff absences. And while pay is covered, occupational benefits that recognise the long-term relationship permanent staff have with an employer, like sick pay and pensions, are rightly excluded."

"...It will give people a fair deal at work without putting their jobs at risk..."

John Hutton MP, Secretary of State for Business, Enterprise & Regulatory Reform said: "This is the right deal for Britain. Today's agreement achieves our twin objectives of flexibility for British employers and fairness for workers. It will give people a fair deal at work without putting their jobs at risk or cutting off a valuable route into employment."

It is thought that there is currently in excess of £1.3M Agency Workers in the UK.

Working Time Regulations...

Do you know the basic rights and protections that the Regulations provide?

The basic rights and protections that the Regulations provide are:

- a limit of an average of 48 hours a week which a worker can be required to work (though workers can choose to work more if they want to).
- a limit of an average of 8 hours work in 24 which night-workers can be required to work.
- a right for night workers to receive free health assessments.
- a right to 11 hours rest a day.
- a right to a day off each week.
- a right to an in-work rest break if the working day is longer than 6 hours.
- a right to 4 weeks paid leave per year.

Why not check it out more details on page 4

VISION employure:
have launched their new look website
www.employure.co.uk

backchat

Baldness is not a disability!

A recent Tribunal in Glasgow has ruled that baldness is not a disability. Retired teacher, James Campbell claimed that his baldness had a "substantial and long term adverse effect" on his ability to do his job following continued teasing and bullying by his former pupils at the school where he taught.

Relax employers... we can all breath a sigh of relief!

Whilst the tribunal disagreed, it was a close shave!

Thanks a Bunch!

According to reports, a Co-op employee was told by her manager "resign or be sacked".

Mary Whitner, 59 said she was called into her managers office and told to "resign or be sacked" after letting a regular customer keep a 75p bunch of out of date flowers which were about to be thrown away.

Mary, who was close to retirement age and had worked for the Co-operative supermarket (Burgess Hill, Sussex) for 23 years said "I'm being treated like a thief. It was a bunch of dead flowers and a very loyal customer, but the HR department in Leeds called me up and told me to jump or be pushed. That's exactly what they told me."

A spokesman for the Co-op later told the Telegraph news paper "It is Co-operative Group policy not to discuss individual staff members publicly.

"However, I will add that in all staff matters, there are strict HR policies, agreed with relevant unions, that are adhered to by local management and HR personnel."

Stricter Rules for UK Employers and Migrant Workers

The Home Office has just published proposals under the new points-based system for skilled and temporary workers to be allowed to work in the UK.

Under the proposed stricter criteria, British based companies will have to prove that they cannot fill skilled posts with a resident worker and must show that the job has been advertised in the UK, unless the job is on the shortage occupation list.

Any migrant would need a job offer before he/she can even apply for a visa. Under the

proposed points-based system, skilled foreign nationals will have to earn a certain number of points before being allowed to work in Britain, these points will be awarded providing the individual can prove that they will be doing skilled work, speak a good standard of English and are earning a minimum level of salary or have a decent qualification.

In addition to these proposals the Home Office confirmed that from this year low skilled workers from outside the EU will not be allowed to work in the UK.



Definition of 'disability' under the Disability Discrimination Act (DDA)

The Disability Discrimination Act 1995 (DDA) defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

The Definition:

For the purposes of the Act:

- substantial means neither minor nor trivial
- long term means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions)
- normal day-to-day activities include everyday things like eating, washing, walking and going shopping
- a normal day-to-day activity must affect one of the 'capacities' listed in the Act which include mobility, manual dexterity, speech, hearing, seeing and memory

Some conditions, such as a tendency to set fires and hay fever, are specifically excluded.

People who have had a disability in the past that meets this definition are also covered by the scope of the Act. There are additional provisions relating to people with progressive conditions.

The DDA 2005 amended the definition of disability. It removed the requirement that a mental illness should be 'clinically well-recognised'.

It also ensured that people with HIV, cancer and multiple sclerosis are deemed to be covered by the DDA effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

HR newsletter



Mental Health in the Workplace



Ros Gumbley Reports

In the recent case of *Corr (Administratrix of the Estate of T Corr (deceased)) v IBC Vehicles Ltd*, the liability of Mr Corr's employer was considered following Mr Corr's suicide. Mr Corr suffered from severe depression following a workplace accident which had occurred six years before. It was found that the employer was liable under the Fatal Accidents Act for the losses of the Corr family following Mr Corr's death, despite the fact that the death was self-inflicted. This stemmed from the fact that the workplace accident which had occurred, was as a direct result of the employer's negligence, which then led to Mr Corr's traumatic stress disorder. This case is particularly interesting as it considers how far an employer's obligation to an employee stretches and also highlights an employer's obligation in managing situations where an accident or occurrence in the workplace has happened.

Were you aware that Depression Awareness Week took place the 21st April 2008? The purpose of this week was to focus on depression and mental health awareness in the workplace. According to recent research almost three in every ten employees will have a mental health problem in any one year.

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The research identified that people suffering from depression took an average of 30 days off for each sickness absence spell. This is obviously a significant concern for businesses and the impact that this may have on the operation of their Company. It is important that managers look out for early signs of depression,

by monitoring any changes in an individual's behaviour or working style, so that steps can be taken before it develops into something more serious.

Such behavioural changes may include an individual no longer being able to cope with his/her workload, becoming seemingly distracted, taking unexpected sickness absence and a clear lack of motivation.

Whilst these changes may not necessarily mean that an employee is about to suffer from mental ill-health; concern and open communication with the employee may assist in trying to evaluate if there is a potential problem.

Having clear absence management policies and procedures in place will assist in managing long term absence issues.

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

Age Discrimination

When the Employment Equality (Age) Regulations were introduced in 2006, they prohibited direct age discrimination. In the recent case of *Wilkinson v Springwell*

Engineering Ltd a teenage employee was dismissed because she was too young for the job. Miss Wilkinson was employed as an office administrator, a position for which she had been recommended for by her Aunt who had previously held the post. Miss Wilkinson was recruited without any interview process taking place. A month after starting in her post she was advised by the Company that she was only performing 90% of her duties, steps were taken to assist Miss Wilkinson to help her improve. A number of weeks later the Company felt that Miss Wilkinson had still not reached the required standard to carry out the job competently and dismissed her with immediate effect without following any disciplinary or capability procedure.

In her claim for Age Discrimination Miss Wilkinson referred to a conversation that she had, had with her Operations Manager on the day of her dismissal, during this conversation it is alleged that he said to her that she was being dismissed because she was too young.

In its conclusion the tribunal held that even if the employer had not told Miss Wilkinson that the reason for her dismissal was her age, and that she was dismissed for her lack of capability, the Company had made a stereotypical assumption that inexperience and youth go hand in hand and therefore age was still the predominant reason for dismissal.

It is important that Companies have stringent recruitment processes in place, clear job descriptions and capability processes to deal with capability issues.

Can you be refused a job because you're too young?

Older people experience most age discrimination. However, it also takes place against young people. It is now unlawful for an employer to impose a lower age limit when recruiting, unless this age restriction can be objectively justified or is imposed by law.

0845 625 0626

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Consistent with our recognised superior dedicated services and facilities we always aim to continually provide clearly defined, and qualified information for the sole benefit of our customers, reflecting constantly changing employment legislation.

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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

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