

Human Resource News
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HR newsletter



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Welcome to this month's Vision Risk Management HR and H&S News Letter

MP Harriet Harman takes on "entrenched discrimination" in the workplace

David Law, Head of Operations, Vision Risk Management reports

On Thursday 26th of June 2008 the Rt Hon Harriet Harman QC MP unveiled the first draft of her Equality Bill before Parliament. The White Paper prompted wide coverage and speculation from the media claiming the Bill will force firms to reveal the average pay gap between their male and female employees.

The Paper also outlined plans to allow employers to give preferential treatment to females and ethnic minority job candidates as well as outlawing age discrimination in the provision of goods and services effectively moving closer to end Age Discrimination. Much of the media have speculated that companies would be encouraged to positively discriminate in favour of women and ethnic minorities. The equalities bill shall also introduce rights for breastfeeding mothers to feed their babies in public as well as ending discrimination in private member clubs that bar women.

The Daily Mail reported that "The Bill was hit by an immediate backlash from business leaders..." "They are fiercely opposed to positive discrimination and they insist that pay differences are not down to prejudice but the result of women's choice to put their career on hold for the sake of their children"

Harman was interviewed on Radio 4's Today programme rejecting the headline of one newspaper suggesting she was trying to make women "more equal than men" saying, "Women more equal than men? Chance would be a fine thing, part-time women receive 40% less pay than full-time men. Do you think that that's because they are 40% less intelligent, less committed, less hard-working, less qualified?"

"The Bill was hit by an immediate backlash from business leaders..."

A record number of employers have been prosecuted for hiring illegal immigrants

Firms employing illegal immigrants could face stiff penalty fine of up to £10,000 for each illegal immigrant if caught. It is speculated that in the last two months there have been in excess of £500,000 worth of fines. Additional, firms that are found to be persistent offenders could face jail sentences.

The BBC has recently reported that in only two months since a change in legislation came into force at the end of February 137 companies have been caught illegally employing immigrant staff. Statistically speaking this means

there has been a ten fold increase on the whole of 2007 and twice as much as the number of companies in the last ten years.

Liam Byrne MP, Immigration Minister, told the BBC: "There are dodgy employers out there who are trying to undercut their competitors and drive down British wages by employing people illegally, so we've come up with this new way of taking much faster on-the-spot action. It's quite clear that this new regime, which is part of a big shake-up of Britain's border security, is already beginning to work."

It's not the case."

Harman went on to say "We have structural discrimination on pay. We will be able to see it clearly for the first time, workplace by workplace, and then women will be able to see that they are paid less than men and they will be able to complain about it and challenge it."

The plans will mean that public sector employers and private sector firms with public sector contracts will be expected to publish the percentage difference only in average pay of men and women employees but will not be required to reveal the actual amount.

Initially other private firms are not compelled to publish the figures, however, Harman commented that firms failing to publish the figures would look as if they "had something to hide".

The Guardian reported that the public services union, Unison, has called on Harman to "fund equal pay in local authorities who are not facing up to their legal responsibilities"

Julia Carter, Legal Director of ELiA and Consultant Employment Barrister for Vision employers: commented,

"2006-2007 saw a 155% increase in the number of equal pay claims. If these plans become law we can expect another dramatic increase in the number of equal pay complaints brought by employees. Equal pay claims are notoriously complex, time consuming and expensive to defend. However, the cost to the employer is not just in having to pay a Tribunal award. Even before the employer gets to Tribunal the company will have to expend many management hours in dealing with queries, complaints, grievances and possibly Equal pay Questionnaires from employees who are curious to know how their pay compares with others. Companies should act now to review policies, conduct salary surveys for existing employees, review recruitment and retention practices to ensure consistency and consider line management training for those who influence pay increases"

Julia Carter is a practicing independent Employment Law Barrister who is also an approved panel consultant for vision employers:

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National Dishonesty Database

A subscription funded database of employees accused of theft or misconduct will enable employers to check and record employees and prospective employees. The database is being set up by Action Against Business Crime, a partnership between the Home Office and the British Retail Consortium.

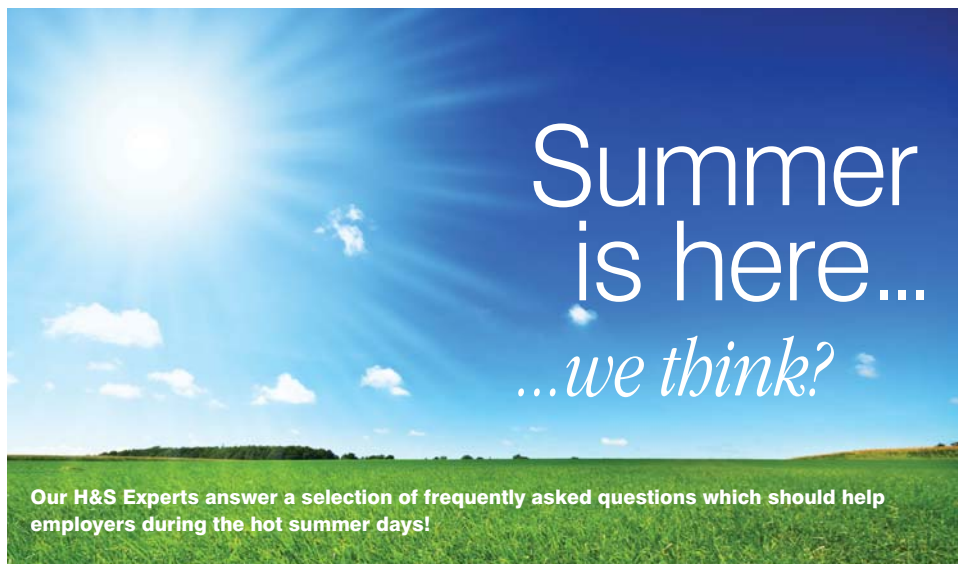
The National Staff Dismissal Register is set to be launched later this year but is already being questioned with regard to its legality.

Privacy International said that such a register is likely to cause legal problems, particularly when it prevents job candidates from securing work. They say that: "There is no way that this database is necessary or in the substantial public interest. So those employers who want this database have to make their case to Parliament, or else they will be soon in the courts."

Rest Room Provision

Under the Workplace (Health Safety and Welfare) Regulations 1992 as an employer you must provide facilities for rest and eating, they must be:

- Readily accessible and suitable;
- There should be facilities for pregnant women and nursing mothers;
- They should be clean and adequately ventilated.
- Also adequate sanitary conveniences should be readily accessible, suitable and sufficient. Adequate supplies of fresh drinking water should also be available.



What are the min and max working temperatures?

The minimum working temperature in workrooms is usually 16°C or 13°C for strenuous work. There are no legally-prescribed maximum temperatures for workplaces. The Workplace Regulations require, however, that all reasonable steps are taken to achieve a reasonably comfortable temperature by, where necessary, special ventilation measures including provision for fans.

How can we protect our outdoor workers?

When working outdoors the effects of hot weather can potentially have a very serious impact on an employees' welfare if the risks have never been previously considered or managed properly. This impact maybe immediate or it can occur over a long time period. Exposure to the sun can cause skin damage including sunburn, blistering and skin ageing and in the long term can lead to an increased risk of skin cancer. Skin cancer is one of the most common forms of cancer in the UK with over 50,000 new cases every year.

People can avoid unnecessary exposure by such means as:

- Wearing long sleeve shirts or loose clothing with a close weave;
- Wearing hats with a wide brim;
- More frequent rest breaks;
- Taking breaks in the shade whenever possible;
- Scheduling work to cooler times of the day;

and

- If possible, provide shade where work tasks are being undertaken.
- Sun protection is important and people need to realise that sunburnt skin is damaged skin. A suntan is not a sign of good health.

What else can an employer do to help outdoor workers during the hot weather?

When there is no alternative to working outdoors in hot environments you can try the following ways of reducing heat stress:

- Reschedule work to cooler times of the day;
- Provide more frequent rest breaks and introduce shading to rest areas;
- Provide free access to cool drinking water;
- Introduce shading in areas where individuals are working;
- Encourage the removal of personal protective equipment when resting to help encourage heat loss;
- Educate workers about recognising the early symptoms of heat stress.

What can employees do about a complaint to their employer about extreme temperatures in the workplace?

If employees feel uncomfortable approaching the employer, complaints can be taken up with Trade Unions, Local Authority Office or local HSE office.

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The Importance of First Aid...

...Corporate Manslaughter Bill

We reported on a number of occasions the implications of the new Corporate Manslaughter and Corporate Homicide Bill which came into effect on 6th April 2008 which can be accessed on our website www.employersure.co.uk in the H&S News section.

This new criminal legislation aims to make it much easier to prosecute companies for work related deaths. In the event of an accident, the responsibility will be upon the organisation to provide evidence that effective health and safety policies exist, and show that this is properly communicated and clearly implemented. An inability to do so could be considered a breach in the duty of care owed to your staff.

First Aid and the legal duties

The Health and Safety (First Aid) Regulations 1981 require employers to provide adequate and appropriate equipment, facilities and personnel to enable first aid to be given to employees if they are injured or become ill at work. These Regulations apply to all workplaces including those with five or fewer employees and to the self-employed.

What is adequate will depend on the circumstances in the workplace. This includes

whether trained first-aiders are needed, what should be included in a first aid box and if a first aid room is needed.

Employers should carry out an assessment of first aid needs to determine this. employers: customers will find a First Aid Risk Assessment Document in their 'Download area'. Should customers have any questions please ask our experts.

If your business lacks the correct number or appropriately trained first aiders you could be leaving yourself at serious risk of action.

If your business lacks the correct number or appropriately trained first aiders you could be leaving yourself at serious risk of action. Act now and ensure that you satisfy the minimum requirement for your company.

The Regulations do not place a legal obligation on employers to make first aid provision for non-employees such as the public or children in schools. However, HSE strongly recommends that non-employees are included in a first aid needs assessment and that provision is made for them.

Summertime

Take a break, but remember...

Statutory holiday entitlement has changed. With effect from 1st October 2007, the entitlement increased from four weeks to 4.8 weeks (i.e. 24 days if you work a five-day week). On the 1st of April 2009 this will increase to 5.6 weeks (i.e. 28 days if you work a five-day week). Bank holidays can be counted against a worker's annual holiday entitlement. Here are 3 frequent questions and answers.

How is 4.8 weeks calculated?

4.8 weeks is 4.8 times the usual working week. If you work a five day week, then 4.8 weeks is 24 working days; if you work 4 days a week, then 4.8 weeks is 19.2 working days, etc...

Can an employer specify when holiday is taken?

Under the Working Time Regulations, an employer can specify when a holiday is taken, on a bank holiday or for a Christmas shutdown for example. However the employer must give the employee notice that he/she will be required to use his/her annual leave on a specified day. It is good practice to publish these days at the beginning of the holiday year, or sooner where possible.

Can an employer refuse holiday?

Again, under the Working Time Regulations, an employer can refuse the worker permission to take leave which has been requested within a period equivalent to the period of the leave, however an employer should be reasonable when making such a decision and should demonstrate that there is a business reason for refusing the holiday.

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