



January 2010 HR Newsletter

Once again our HR newsletter focuses on current topical HR issues, this month mainly health issues in the workplace, as well as highlighting some of the services we offer.

Proposals for Paid Leave for Carers

Harriet Harmon recently announced that she is looking into proposals to allow employees to claim paid leave when they care for sick relatives, which may even be extended to temps. There are nearly six million unpaid carers in the UK (12% of the adult population). One in six people with caring responsibilities give up or cut back work to care and face a significant drop in income, according to the charity Carers UK. The current law related to right to time off for dependents as stated in section 57A of the Employment Rights Act 1996, employees have a right to take a reasonable amount of unpaid time off work to deal with an emergency involving a dependant.



Strategy to Help Mental Health Employment



The government has recently launched a new mental health employment strategy to help more workers with mental illness find, and stay in, employment. As part of a new package of support nine pilot occupational health advice lines to support businesses in helping their workers with mental health problems have been launched. They will give employers direct access to occupational health professionals and enable them to identify the services they need to help their staff. A new network of mental health co-ordinators will also be launched in every Jobcentre Plus district to improve access to job opportunities for jobseekers who suffer from poor mental health. Government-backed work placements will also be piloted to help people return to work.

Ministers will also look to extend the Access to Work programme to help more people with mental health difficulties find and stay in work. Being in work can be a highly effective tonic for those with mental illness such as depression which affects one in six of the population; it is one of the most disabling conditions.

One of the main aims of this strategy is to reduce the £17bn a year cost of sickness absence.

Free 'Health for Work Adviceline' for small businesses in South Buckinghamshire, South Oxfordshire and West Berkshire

Small businesses in South Buckinghamshire, South Oxfordshire and West Berkshire now have free access to professional occupational health advice to help with individual employee health issues following the launch of a new advice line. The advice line, delivered by NHS Plus, will run until 31 March 2011. Employers can call the advice line on 0800 0 77 88 44.

Return-to-work Interviews for Cancer Patients Slated

A number of charities have slated procedures which see employees receiving treatment for cancer subject to back-to-work interviews if they wish to receive benefits. Macmillan Cancer Support and Citizens Advice said it was "cruel" to expect such people to perform tests in order to be awarded employment and support allowance, which last year replaced incapacity benefit and income support. According to the Telegraph, people who are receiving chemotherapy or radiotherapy and those who are terminally ill are supposed to be automatically exempt from the tests, which aim to get people back to work. Yet a report from Macmillan and Citizens Advice - Failed by the System - revealed that some employees with only a few months to live have been told they will need a medical examination, while other cancer sufferers battling the long-term effects of the illness were advised they were fit to work. It was recently reported that teacher Melinda Bodnar, who had been given only a 30% chance of survival after first being diagnosed with bowel cancer, was suing her employer after having allegedly been fired via email. Cancer is covered by the Disability Discrimination Act; compensation at tribunal can be unlimited.

Christmas party 'sickie' hangovers cost the UK economy £216 million

According to Aviva, 2.31 million UK workers called in sick after drinking too much or having an accident at a work Christmas party last year resulting in £216 million lost to the British economy, based on CBI calculations of absence costs. Men are more than twice as likely as



women (88% more likely) to call in sick after the office party, and directors and managers are significantly more likely (67% more likely) to call in sick than the rest of the workforce. And alcohol-related accidents at parties are rife, with nearly a third (31%) resulting in hospital treatment. A third (33%) of workers are honest about the reason for absence, while those who use illness as an excuse are most likely to claim flu (23%). Other popular excuses include food poisoning and migraines.

Flexible Benefits Can Reduce Total Financial Reward Costs

More than half of employers think launching a flexible benefits scheme would increase their costs, although more than three in 10 have saved money using such schemes. More than half of employers think launching a flexible benefits scheme would increase their costs, although more than three in 10 have saved money using such schemes, according to Mercer. A total of 55% of employers believed that setting up a flexible benefits scheme would actually increase their costs. Yet 39% of those with flex schemes said their benefit costs were lower than they would have been without a flex scheme - and 45% said their costs had been unaffected.

Flexible benefits can reduce benefit costs by introducing only benefits that employees want, provided appropriate consultation with staff has been undertaken. Many employers are introducing ongoing pay freezes to reduce the pay budget due to difficult economic times, however, the implementation of flexible benefits can produce further effective results in this area and ensure total financial reward is cost-effective.

Drawing the Line – A Report on the Vetting & Barring Scheme

From November 2010 people wishing to work with children in specified settings or in specified ways (known as 'regulated activity') will be required to register with the Independent Safeguarding Authority (ISA). This will provide assurance that there are no grounds for believing that they present a risk of harm to children and that they have not been statutorily barred from working with them. A government commissioned report is now available to read that takes into account public concerns about the Scheme and checks that the Government had drawn the line in the right place in relation to the requirement to register, particularly with regard to the frequency of contact with children which should trigger the obligation to register with the ISA.

Maximum compensatory award reduced for 2010

The Government has recently announced, the maximum compensatory award for unfair dismissal will decrease from £66,200 to £65,300 where the effective date of termination occurs on or after 1 February 2010. The decrease also affects guarantee payments (the maximum falls from £21.50 to £21.20) and certain other payments. There will be no change to the £380 weekly statutory redundancy payment until February 2011.

The rates of most statutory payments are, however, likely to rise from April 2010. The Secretary of State for Work and Pensions has proposed that Statutory Adoption, Maternity and Paternity Pay and Maternity Allowance should all rise from £123.06 to £124.88, but that Statutory Sick Pay should remain at £79.15.

How to Manage Absence – 5 top tips!

1. Tackle absence issues early on; if you receive a doctor's note for more than two weeks start exploring the issues immediately and get occupational health involved to act in your interests; a GP will only be acting in the interests of their patient.
2. Separate out how you deal with frequent short term absence and long term absence – they need to be managed differently.
3. Be aware of the Disability Discrimination Act when managing absence; a disability may not be evident and can be mental as well as physical; occupational health can guide your obligations.
4. Document all meetings/conversations and keep a paper trail; this is your defence at tribunal of how you managed the situation preferably fairly and reasonably – you never know whether you might receive a subsequent tribunal claim.
5. Ensure you have a robust absence management policy in place and follow the procedure closely.



Business Acquisition or Merger or Outsourcing – Let us Help

Thinking about purchasing, merging with another business or outsourcing part of your business? If so, and employees are part of the package, you may need to consider the implications of TUPE legislation. There are key legal requirements related staff transfers in or out your business and failure to follow the requirements could result in a costly employment tribunal. If you need support or advice call 07762 771290.

Contractor/Freelancer/Consultant Agreement – £125.00

If you are using a contractor to undertake work in your company or if you are a contractor/freelancer/consultant undertaking self employed work you need to have a written legal document in place to protect all parties including demonstrating IR35 compliance. Call 07762 771290 for more details.

Tel: 07762 771290

Email: info@sjbealehrconsult.co.uk

www.sjbealehrconsult.co.uk