



May 2010 HR Newsletter

Once again our HR newsletter focuses on current topical HR issues and highlights some of the services we offer.

Redundancy Employment Rights – Employer 5 top tips!

- 1. Get the contract right** – as well as statutory entitlements to notice and a redundancy payment, employees may have extra rights to both in the employment contract; ensure your document is drafted correctly.
- 2. Make sure the redundancy is fair** – an employer must be fair and objective when deciding who should be made redundant. If an employee feels they have been unfairly selected for redundancy then they can make a claim to an Employment Tribunal.
- 3. Ensure you carry out the redundancy procedure properly** - if not, it may amount to unfair dismissal.
- 4. Consider a suitable alternative** – if you offer employees an alternative position it should be "suitable" i.e. similar pay, status, hours, location etc. If an employee unreasonably turns such an offer down, they could lose the right to a redundancy payment.
- 5. Get help** – if you don't understand redundancy employment rights or how to implement the process speak to a suitably experienced legal advisor.

Claimants Receive New Powers to Get Tribunal Compensation

People who win awards against their former employers at employment tribunals have been given new powers to get their money. From 6 April 2010 they can use High Court enforcement officers to do the job. They will be available to chase employers who may have sacked staff unfairly or discriminated against them. The Ministry of Justice said the new powers were needed because a large minority of employers do not pay up after losing a tribunal hearing. "Research published by the Ministry of Justice in May 2009 showed 39% of people granted awards by tribunals had not been paid and only 53% were paid in full," the MoJ said.

The new procedure is called the Employment Tribunal Fast Track scheme. The enforcement officers are the High Court equivalent of County Court bailiffs. Employing them will cost just the normal £50 court fee, while the usual enforcement officer fee of £70.50 charged in the event of non-recovery will be waived. Payment of the court fee will trigger action by the officers, which can include seizure of any assets of the employer to cover the money owed. Since April 2009, the MoJ has been putting the names of defaulting employers on a public register to name and shame them and make sure they pay up. There are now more than 570 people and companies on it.

"The Government is determined to ensure people are not denied access to justice by a small minority of unscrupulous individuals or companies who refuse to respect the award," said Justice Minister Bridget Prentice. "The Fast Track will ensure all recipients can pursue their awards with ease."

Risk of misuse of social media use policy



Although most organisations have strict policies around staff use of social media, a third doubt these policies are being adhered to, putting organisations' security under threat, new research suggests. The study from IT security firm Landesk has prompted calls for greater alignment between HR and IT departments when introducing policy and practice around employee use of work IT equipment. It's feared that because of the 'silo' approach to work in some organisations, policy developed by the IT department isn't always being driven by HR. The survey found, despite the fact that the majority of organisations have introduced strict policies around the use of social media (73%) and internet downloads (89%), one in three were doubtful that these were being adhered to.

The report showed 55% of employees surveyed had admitted to downloading software from the internet to a corporate computer. Almost half (48%) of those downloads were found to be non-work related, exposing their corporate network to potential security threats and operational challenges. This has led to a quarter of employees needing to contact IT helpdesks to fix resulting problems.

Employees are now working longer hours and spending more time working from home, which means that it becomes easier for them to use their company computers for social purposes such as iTunes, Facebook and other software, which can create problems."

The survey found that almost three quarters (62%) of IT managers believed that increased use of social media by their employees has led to an increase in the security risks for the company. 86% of employees questioned revealed that they often work either remotely or from home, demonstrating a growing preference for flexible working that can increase pressure on IT departments and service desk staff respectively. Companies should ensure they have robust IT use policy in place that incorporates the use of and restrictions with social media tools.

Workers Worry About their Rights

UK workers are worried about redundancy cuts but most are unaware of their employment rights, putting them at risk of unfair treatment, according to new research from the experts at Which? Legal Service. In a survey of over 4,000 members of the British public, the consumer champion found that around a quarter (27%) of adults were worried about being made redundant, and a similar number (24%) were concerned that their employer might reduce or freeze their pay. 6% of the British population were made redundant in the last two years, while 10 per cent suffered a pay freeze. But when quizzed on their rights in these situations, 98 per cent were unable to answer key questions correctly:

- Half of Brits mistakenly believed that they would always have the right to a redundancy payment from their employer, when legally they would have to have worked for them continuously for at least two years
- 70 per cent of the population were unaware that the amount of redundancy payment they are entitled to depends on their age
- Almost half had no idea that employers can choose who to make redundant based on a 'last in, first out' basis
- 58 per cent of people mistakenly believed that their boss could change their employment terms by giving them 30 days notice

Make A Donation to Cancer Research



My fellow HR consultant, Denise Mather, is walking 84 miles from west to east along Hadrian's Wall on 10 May for cancer research. If you are able to donate to this worthy cause please click on

<http://www.donatetobreastcancer.org/denisemather1> to make your donation. Good luck Denise!

The Fit Note – FREE HR Factsheet

Need to know more about the new fit note that replaced the old sick note from 6 April 2010? We have prepared a comprehensive FREE factsheet. This is available on our website on the useful hr articles page or you can email us for a copy.



Management Training – Let us Help

Looking for a practical hands-on training course on managing absence? Want to find out the best practice legal way to manage long and short term absence, understand the benefit of occupational health, understand the causes of absence, learn about the new fit note and how to conduct return to work interviews? Then our practical workshop is for you. We can deliver an in-house one day workshop covering all the basics for £950.00 (up to 12 delegates). Call 07762 771290 for more details.

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