

HRMK NEWS AND VIEWS: AUTUMN 2011

The brief information in our newsletter aims to raise your awareness of new developments in employment law and practice. For more information contact **HRMK** or visit the [www. HRMK.co.uk](http://www.HRMK.co.uk).

For new customers, we offer a **FREE** HR audit to MK-based companies (small charge if you're outside MK).

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Statutory Payment Rates 2011

Statutory Sick Pay	£81.60 per week
Statutory Maternity Pay	£128.73 per week
Statutory Paternity Pay	£128.73 per week
Statutory Redundancy Pay	£400 for each complete year of service. 50% uplift for age 41 years and above.

Updated National Minimum Wage increase

From 1 October 2011, the main rate of the National Minimum Wage rises from £5.93 to £6.08 per hour. The development rate increases from £4.92 to £4.98 per hour, the rate for workers aged 16 to 17 from £3.64 to £3.68 per hour, and the apprentice rate from £2.50 to £2.60 per hour.

Update Increase to Approved Mileage Allowance Payments

From 6 April 2011, the HMRC's Approved Mileage Allowance Payments (AMAPs) has increased for the 2011-12 tax year from 40p to 45p per mile up to 10,000 miles per year and 25p per mile thereafter.

New Agency Workers Regulations 2010

From 1 October 2011, the Agency Workers Regulations 2010 give agency workers the same basic employment conditions after twelve weeks in a job as if they had been employed directly by the business. This includes pay, holiday, rest periods and breaks. From day one of an assignment, agency workers should have the same access to facilities and information about job vacancies as the hirer's employees. For more info look at the April 2011 HRMK newsletter on our website or visit www.bis.gov.uk/policies/employment-matters/strategies/awd

Guidance Derogatory comments on social networking sites

When an employee posts material, whether defamatory or not, about their employer on a social networking site, the employer should write to the employee to confirm that it considers it to be defamatory and/or a breach of contract. They should demand that the employee immediately removes the offending material from the website and also inform the employee that their disciplinary procedure may or will be invoked. Some social networking sites have a reporting system so employers can contact them to request that the offending material be removed from the site. If there are no means to do this online, a letter explaining that material appears on its website and is capable of defaming the employer and/or is unlawful and could potentially lead to a claim for damages.



Human Resource Consultancy ■ HR and Business Skills Training ■ Interim Solutions

(t) 01908 674965

(m) 078 54 45 44 34

(e) hrmk@btinternet.com

www.HRMK.co.uk

Free CIPD report Stress – the most common cause of long-term sickness

Stress is, for the first time, the most common cause of long-term sickness absence, according to the 2011 CIPD/Simplyhealth Absence Management survey. Public sector respondents identify organisational change and restructuring as the number one cause of stress at work. [Download the free report.](#)

New Carrying over holiday after sick leave NHS Leeds v Mrs Larner

Mrs Larner was employed as a clerical officer for NHS Leeds. She went off sick in January 2009 and remained off sick until her dismissal for incapability due to ill health in April 2010. During her absence, Mrs Larner did not request to take her statutory holiday under the Working Time Regulations and therefore the NHS Leeds argued that her entitlement to that statutory holiday was lost when the holiday year ended on 31 March 2010.

She made a claim to an Employment Tribunal who held that where an employee is absent from work due to sickness for the whole of the holiday year, it is presumed that they have not been well enough to exercise their statutory right "to enjoy a period of relaxation and leisure". Accordingly Mrs Larner did not have any time during 2009-2010 to take her statutory holiday.

In such circumstances, an employee does not need to submit a request to take holiday in order for the accrued holiday to be carried over to the next holiday or to be paid that accrued holiday on termination of employment.

Guidance Using photos of employees

As far as posting photos on an intranet or website is concerned, an employer should only use an employee's photograph with their express written consent otherwise it will breach Data Protection Act. A photograph of an employee displayed on the company's intranet or website is classed as 'personal data' under the Data Protection Act, and its display could also have implications under the privacy provisions of the Human Rights Act.



Complaints about the use of photos, bearing in mind the employees would generally be aware of its use, is relatively low. It is likely that the employer will have obtained the subject's consent when taking the photo in the first place, but if this has not been obtained, consent should be sought now. An explanation as to what the photo is being used for should be supplied in writing and should include a signature box/line to confirm the employee's permission for it to be used for internal purposes and on the intranet or website if appropriate.

The use of an employee's photograph on a security cards should not require such express consent, although you could include reference to the security cards if you approach for consent regarding the intranet usage.



Thought of the day....

"Be who you are and say what you feel, because those who mind don't matter, and those who matter don't mind."

Dr Suess

Please note that the information in this newsletter is intended to be a brief introduction to the topics. You are welcome to contact **HRMK** for further information.

CONFLICT MANAGEMENT

Delegates: 2 (minimum) 8 (maximum)

Duration: 2 days

Times: 9.30am to 5pm

Who will benefit?: This course is designed for people who deal with 'difficult' people on a 'face-to-face' basis or by telephone

Course objectives

- Provide tools, strategies and learn techniques to deal with 'difficult' people situations
- Understand how our own behaviour and attitude can influence the behaviour of others
- Recognise tactics and strategies used by others
- Ensure personal safety

Acknowledge and Understand Conflict

- Understanding the benefits of good conflict management
- Facts and sources of conflict
- Assess yourself and how you manage conflict
- Review typical responses to conflict

Attitude

- Accept and manage your anger
- Five steps of anger management

Assertiveness

- Developing a positive and straightforward style
- Conversation skills
- Making and refusing requests
- Avoiding aggression
- Practising saying 'no' clearly and directly
- Building trusting relationships

Giving and Receiving Feedback

- Misperceptions about feedback
- Presenting and documenting feedback

Strategies That Work

- Win-win conflict resolution

Body Language

- The first impression
- Appearance
- Non-verbal communication
- Aggressive and submissive body language

Voice and Manner

- Voice and personality projection
- Adapting your manner to suit the situation
- Understanding different personality types
- Turn negative self-talk to positive affirmation

Violent Confrontation

- When negotiation breaks down
- Evasive tactics
- Safety advice
- Controlling revenge
- Keeping a controlled appearance
- Effective management of emotions

Action Plan

- Participants plan and discuss what they will do on return to work

Look at the **HRMK** website for details of the practical and cost-effective HR support and training workshops we enjoy delivering to appreciative audiences! We always tailor each course to ensure your organisation and employees receive the optimum level of learning. Competitive prices on application.