

HRMK NEWS AND VIEWS: SUMMER 2011

The brief information in our newsletter aims to raise your awareness of new developments in employment law and practice. For more information telephone or email **HRMK** or visit the Concierge section at 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.

The Bribery Act 2010 – What it means for you

The Government has now published guidance on the Bribery Act 2010 which will come into force on 1 July 2011.

Under Bribery Act, a commercial organisation will commit a criminal offence if a person associated with it, for example, an employee, bribes another person intending to obtain or retain business or an advantage in the conduct of business for that organisation. The organisation will have a defence if it can show that it had 'adequate procedures' in place to prevent persons associated with it from bribing.

The Government has produced a 'quick start' guide* which summaries the steps employers need to take to rely on the defence. It does not set out a fixed list of procedures to be followed and recognises that the type of procedures will vary depending on the nature, size and complexity of the organisation. The guidance includes six principles which will assist in knowing what needs to be put in place.



* www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf

1. **Proportionality:** A large organisation or one which operates in an overseas market where bribery is known to be common place will have a higher risk of being exposed to bribery than a small organisation whose business is primarily undertaken in the UK. The action an organisation will need to take should be 'proportionate' to the risks faced by it.
2. **Top level commitment:** Those running a commercial organisation should show that they are actively ensuring that all employees and the key people the organisation does business with understand that the organisation does not tolerate bribery.
3. **Risk assessments:** Consider the bribery risks and undertake research into the markets operated within and the people they deal with.
4. **Due diligence:** Find out exactly who is being dealt with to prevent taking on those who are less than trustworthy.
5. **Communication:** Communicate anti-bribery policies and procedures to employees and others who perform services for the organisation and provide training.
6. **Monitoring and review:** Commercial organisations should keep anti-bribery procedures under review to ensure that they are up to date and keep pace with any changes in the bribery risks faced by the organisation.

Genuine hospitality, such as providing tickets to sporting events or taking clients to dinner are not covered by the Act and remain lawful.

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It's not too early to start thinking about the 2012 Olympics

It's likely that many employees will have applied and will be successful in their application for tickets to the same events at the 2012 Olympics. Business will continue and you may fear being under-resourced if you agree to all holiday requests. What should you be doing now to ensure that this situation is avoided?

Firstly, look at the terms within the Contracts of Employment or your Annual Leave Policy and Procedure to make sure employees are clear what the rules for applying for holiday are. For example, is it first come first served, how far in advance do they need to make a request, how many people can be off at any one time, etc. If a policy already exists, you may want to amend it on a temporary or permanent basis for the Olympics and other specific events. For example, can people have half days or even a couple of hours off? Could all requests for the same period be put into a draw to decide who can have the time off? Would you want to carry out detailed investigations if anyone's off sick during the Olympic period?



Under the Working Time Regulations, the notice period that a worker must give to take annual leave should be at least twice the period of annual leave to be taken. For example, if a worker wishes to take one week's annual leave, they must give at least two weeks' notice. The employer is entitled to refuse permission to take the annual leave requested, provided that it gives notice equivalent to the period of leave requested. In this example, the employer would be required to give one week's notice. Employers are not required to give reasons for refusing holiday requests - although doing so is good practice. If a request is declined, the worker must be permitted to take the leave at a later point during the leave year.

If you don't have an Annual Leave Policy and Procedure, now is the time to develop one so people are clear. Let us know if you need support producing this or any other policy within your Employee Handbook.



Saying "thank you" - Recognising employee performance

To help motivate employees you need to show genuine appreciation for good work and recognise the improvements they make. Here are a few suggestions of way to say thank you - it is a powerful way of recognising someone's contribution and motivating them to keep performing.

- use internal publications, a note round the team or a poster to celebrate an employee's success and to show employees their commitment and effort are appreciated.
- if you have an intranet, create an online noticeboard so employees can thank colleagues for their efforts.
- give spot rewards for specific contributions or tasks where employees have exceeded all expectations This could be an inexpensive personal reward relevant to their interests outside work - a pair of cinema tickets, a cookery book, a garden plant. Low-cost to buy but high-value for improving motivation.
- establish an award scheme so employees can nominate colleagues for their work and the way they have helped drive the business forward.
- host social events when you achieve key milestones or targets to thank your team or teams for their work.
- hold celebrations for employee's personal milestones or significant life events.

This month's acronym...

Dedication
Responsibility
Education
Attitude
Motivation

Next edition...

Agency Workers Regulations 2010
Carrying over holiday after sick leave
Derogatory comments on social networking sites
Using photos of employees

Featured Training Workshop
CONFLICT MANAGEMENT

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.

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HR SKILLS FOR LINE MANAGERS

Delegates: 2 (minimum) 10 (maximum)

Duration: 2 half days or 1 full day

Who will benefit?: This workshop is designed to enable line managers who are not HR specialists, but who undertake people management responsibilities, to develop an overview of the legislative framework affecting the management of people across a variety of contexts.

Before employment ...

- the recruitment process - do's and don'ts
- the contract - offer, terms, clauses, express and implied terms
- references and medicals and their significance

During employment ...

- contractual issues
- employment status
- dealing with part-time, agency and fixed-term contract workers
- Record keeping including data protection, personnel files, personal documents, performance reviews, etc.

How to deal with ...

- discrimination - race, sex, disability, age, religion or belief, sexual orientation, gender reassignment,
- harassment and bullying in the workplace
- maternity, paternity, adoption and parental leave, flexible working requests

Grievances and discipline ...

- capability vs conduct
- the ACAS Code of Practice and applying company procedures
- handling disciplinary and grievance meetings
- what happens on appeal?

Difficult issues - a practical approach ...

- absenteeism
- poor performers
- stress

Dismissal ...

- what is wrongful, unfair and constructive dismissal?
- reasons for dismissal

Post-employment

- restrictive covenants
- Employment Tribunals and how to avoid them
- references

Action Plan

- participants plan and discuss what they will do on return to work
- Further development to be identified