



EMPLOYMENT ISSUES UPDATE.

September 2007

Issue No 49

HOLIDAY ENTITLEMENT INCREASE

Changes to the Working Time Directive have now been passed by the Government. From 1st October 2007 workers on a 5 day week are entitled to 24 days (4.8 weeks) paid leave per year, which can include the 8 days statutory Bank Holidays. This will increase to 28 days (5.6 weeks) from 1st April 2009.

TOP TIPS FOR EMPLOYERS

- Ensure that all employees on a 5 day week have a holiday entitlement of 24 days (including Bank Holidays) from 1st October 2007.
- Ensure that the holiday entitlement of all employees who work other than a 5 day week (more or less) is adjusted on a pro rata basis.
- If this results in an increased holiday entitlement, you are permitted to make an equivalent payment of the extra days until April 2009.
- As this will probably be part-way through your holiday year, you will need to make adjustments to your employees' holiday entitlements and advise your staff accordingly.
- Implement a holiday policy and have a booking procedure in place to ensure fairness and consistency.
- Ensure that the booking and taking of holidays throughout the holiday year is a clear and robust system with clear forms and accurate records.
- Contact our HR Team for help in implementing these changes. We can provide you with a Ready Reckoner to help you to calculate annual leave entitlements, where you are part way through the year.

Louise Hunt, HR Services Manager

FORTHCOMING PARK CITY EVENTS

Could you be Business Woman of the Year? Park City are hosting the launch for this prestigious award on 26.09.07 – please see the attached launch invitation.

Are you Counting the Cost of Staff Turnover? Park City are working in partnership with Reed Employment to give our clients an update on Employment Law and related topics. Please see the attached flyer for further details of the first forum.

DIRECTOR & MANAGER JAILED OVER WORKPLACE DEATH

The dangers of ignoring Health and Safety Legislation were once again brought to the attention of us all when two businessmen were sentenced to imprisonment at Norwich Crown Court, after admitting charges of manslaughter, following the death of a 28-year-old man at a concrete plant in Costessey. In addition to the sentences imposed on the individuals, their Company was found liable for costs of £89,000 and also fined £75,000.

A police investigation team was put together including detectives from Norwich CID, Police Crime Scene Investigators and specialist Family Liaison Officers. This team worked alongside officers and other staff from the Health and Safety Executive (HSE).

The Police treated this incident as a major crime from the start making an immediate arrest on the morning the body was discovered. The deceased had gone to work and, through no fault of his own, met with a tragic death.

It is clear that had the Company not taken a cavalier attitude towards Health and Safety issues and made remedial safeguards around the workplace equipment involved, the death could have been easily prevented. These convictions send out a clear message to all employers, that they are fully responsible and accountable for the safety of their employees.

Justin McCracken, HSE Deputy Chief Executive, said: "This tragic and wasteful death could and should have been avoided by very simple and straightforward safety precautions. HSE inspectors regularly come across examples of poor health and safety standards at workplaces but the inspectors involved in this case were appalled by the total lack of basic health and safety measures at this company's site, which directly led to the fatal incident.

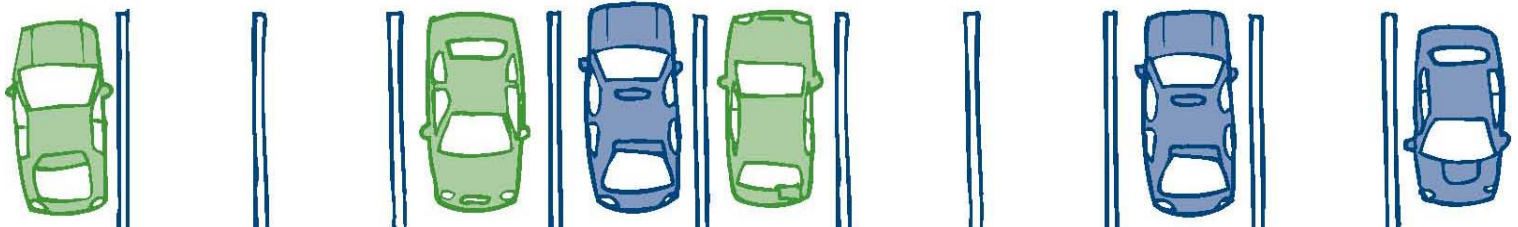
This case illustrates how things can go tragically wrong when a company disregards legal standards designed to protect workers. HSE, where appropriate, acting with other agencies such as the Police, will act decisively to deal with employers who deliberately or negligently flout the law and put their employees' lives at risk."

If you have any issues or concerns regarding Health and Safety, call our Health and Safety Team for further advice on 01206 752100 or email consulting@parkcity.co.uk

Ashley Williams, Health & Safety Consultant

Page 1/2

Ever wished you could park your worries?



DON'T MAKE A MOUNTAIN OUT OF A BUMP

Every employee is different and every pregnancy is different but following some basic principles can help your employee, their baby and the Company.

Risk assessment

When you are informed that your employee is pregnant, a risk assessment should be undertaken to identify any potential risks. Once identified, the risks need to be reduced to an appropriate level or removed. If this is not possible then it may be necessary to consider alternative duties. The assessment will need to be reviewed throughout the pregnancy to reflect your employee's changing needs.

Practical Issues

Simple things within the workplace can make a big difference. For example, easy access to the toilet facilities, readily available drinks and snacks or somewhere to sit and rest. Your employee is allowed paid time off to attend antenatal appointments.

Maternity Leave and Pay

Your Consultant will have drafted a policy for your Company which, depending on your needs, will include the statutory provisions or details of an enhanced scheme.

Each employee's personal circumstances are assessed for their entitlement to maternity leave and pay. However, the basic statutory entitlements for employees with babies due after 1 April 2007 are that:

- Employees can take up to 52 weeks maternity leave;
- Statutory Maternity Pay (if the employee qualifies) for up to 39 weeks. This is paid at 90% of average earnings for the first six weeks and then the statutory rate of £112.75 for the remaining 33 weeks (or 90% of average earnings, if this is less than the statutory rate);
- Employees can work up to ten "keeping in touch days" during their maternity leave by mutual agreement. These could be used for undertaking normal duties, training or for special events.

Communication

As a valued member of your team, it is important to keep them informed of key changes within the work place during their maternity leave, particularly if they are likely to impact upon their role or be of interest. For example, job vacancies and structure changes. It is helpful to agree in advance how information is to be communicated.

Returning to Work and The Future

Employees are required to give you eight weeks notice of their intended return to work date, which will allow time to prepare

for her return. It is possible that your employee may ask to return to work on reduced hours or on an alternative working pattern. Employers have a legal duty to consider this request.

It is discriminatory to allow an employee's pregnancy to cloud decisions about furthering their career. Pregnant employees are a significant part of the team with skills valuable to the business. Being supportive at this important time can have a positive impact and support staff retention.

If you would like any further advice regarding the effective management of maternity, please do not hesitate to contact your HR Consultant.

Liz Rushmer, HR Consultant

"IT COULD BE YOU"

The cost of poor HR management!

A Small Electronics Company in Essex paid out £34,000 compensation, due to racial discrimination against one of its employees.



A local business was recently caught "with its feet up" when a member of staff was awarded £34,000 compensation after suffering eight years of racial abuse. The employer believed it had a good working relationship with all its employees and that everyone in the Company was happy.

It came as a shock to the Company when they received a claim for racial abuse from a member of staff who had worked for the company since 1999. The 61 year old female told the tribunal she was referred to as "nigger" by her fellow colleagues and literature from the British National Party was placed on her workstation. Her colleagues openly discussed extreme right-wing policies when she was present.

The Company also landed itself with an extra penalty of £5,000 for claiming that the claimant tried to make herself look "more black" during the tribunal case.

The Company was ordered by the tribunal to work with the Commission for Racial Equality and to provide diversity training for all the Company Directors and Managers.

To minimise the risk of finding yourself in the same position as this employer contact the Park City HR Team on 01206 752100 or e-mail consulting@parkcity.co.uk

Jill Cochrane, HR Consultant

Page 2/2

Advice?

For further information on implementing these changes in Employment Law and Health and Safety legislation make a little space for Park City now. Call us today on 01206 752100.

Free Business Health-Check?

Would you like a Human Resources or Health and Safety check free of charge for your business? Call now on 01206 752100.



Park City

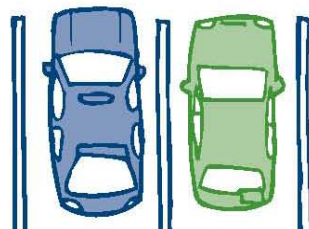
We park your worries. You drive your business.



Park City are experts in all areas of Human Resource Management. For the brochure of your choice, call us now.

- Employment Issues
- Health and Safety
- Tailored Training

IMPORTANT: This document is only intended as a general statement of the new law and does not constitute legal advice. No action should be taken in reliance upon it without our specific legal advice.
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