



SmartHR provides a wide range of *professional and effective outsourced HR solutions* to businesses and individuals. With almost 20 years' HR management experience, we utilise our skills and knowledge to assist clients in 3 areas: Recruitment, HR Consultancy and Training.



## Recruitment:

- Executive Appointments
- General Recruitment
- Interim Positions



## HR Consultancy:

- HR Consultancy and Advice
- Tailored Business Support Packages for a fixed monthly fee
- HR Healthchecks and Planning
- Employment Contracts and Staff Handbooks (IOM and UK)
- HR Policies and Procedures
- Induction, Performance Review and Succession Processes
- Ad hoc / Interim HR Projects
- Redundancy Support and Outplacement Services
- Online E-HR Shop to purchase template employment documents



## Training:

- 'Skills Workshops' to improve people management skills
- Coaching e.g. managing absence, managing discipline & grievances

## Welcome to SmartHR's April 2012 E-Newsletter

*We hope you find this newsletter of interest and share it with your colleagues.* Gail Yeowell Chartered FCIPD FInstAM(Dip) FCMI FIRP  
Managing Director, Smart HR Solutions Limited

Read our Client Testimonials here: [Testimonials](#)

## IOM: EMPLOYER NATIONAL INSURANCE HOLIDAY SCHEME

The Employer National Insurance Holiday Scheme will begin on 6 April 2012 and end on 5 April 2014. During that period, an employer will not be required to pay the secondary Class 1 National Insurance Contributions (NICs) due for any newly recruited employees who qualify under the scheme.

The holiday scheme is open to all employers who have a place of business in the Island during the period of the scheme. Employments with the IOM Government and Local Authorities will not qualify under the scheme.

**To apply:** the employer must complete application form R231(NI) and send it to the Assessor of Income Tax within 30 days of the new employee starting work. A paper copy of the form can be requested or it can be downloaded from the Income Tax Division's website at: <http://www.gov.im/treasury/incometax/sections/forms.xml>

If the application satisfies the conditions of the scheme, the Assessor will issue a certificate to the employer confirming that no secondary Class 1 NICs are due in respect of the employee in the period specified. The certificate must be kept for a minimum of 3 years after the scheme ends on 5 April 2014.

Conditions of the scheme and record keeping requirements are detailed in The Treasury's Practice Note PN 173/12.

Further details can be found on the Income Tax Division's website at: <http://www.gov.im/incometax>

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## Sex discrimination claim successful – years out of time **Basile v Royal College of General Practitioners**

In this case, Basile (who is French) worked for the College for 10 years as a porter. In 2010 he was made redundant and claimed for unfair dismissal - this failed. Basile also brought claims stating that he had been subjected to race & sex discrimination and harassment during his employment – examples were given of him being called “Basil Brush” and “Inspector Clouseau”. He claimed his manager made inappropriate suggestive comments amounting to sex discrimination.

Ordinarily, a discrimination claim must be submitted to a Tribunal before the end of the period of 3 months starting with the date of the act to which the complaint relates. However, a Tribunal can extend the timeframe by a period it considers just and equitable.

In Basile's case, the Tribunal decided that his race claim was out of time (the claims made had occurred at least 5 years before the end of his employment and he had not raised a complaint with the College). The events relating to his sex discrimination had occurred 3 years prior to submitting his claim. He had complained informally but due to a poor relationship with this manager he hadn't taken this further. This unresolved claim put the balance in Basile's favour (even though it was out of time) and the claim was upheld.

Under the UK's Equality Act 2010 discrimination by an employee in the course of employment is treated as having been done by the employer, unless the employer can show it took all reasonable steps to prevent the employee from discriminating. An employer's defence can fall down over complaints managed inadequately.

## SURVEY RESULTS: JOB-RELATED STRESS

A recent Ipsos Mori survey conducted in 36 European countries covering 35,000 participants has found that **80% of people believe that job-related stress would increase**. 52% reported that they thought job-related stress would increase “a lot”.

The findings show that 8 out of 10 workers believe that workplace stress will increase over the next 5 years.

The survey also found that 86% of participants agreed that good occupational safety and health practices are necessary for a country to remain economically competitive.

In addition, 87% of the survey respondents agreed that good occupational health is important to help people work for longer before they retire.

A previous survey completed by EU-OSHA on ‘new and emerging workplace risks’ found that **79% of managers thought stress is an issue in their companies**. This made workplace stress as important as workplace accidents for the companies.

## SMARTHR: MANAGING STRESS COURSE

Stress can have a significant impact on organisations and people. Business effects can include increased absenteeism, poor quality of work, loss of productivity, increased accidents, client dissatisfaction, increased staff turnover, damage to the organisation's reputation, and it could reduce the organisation's ability to attract and fill job vacancies.

For individuals, the impact can be detrimental to their health and well-being and it can impair their decision-making.

It is therefore important to recognise and deal with the signs of stress at an early opportunity.

SmartHR can deliver a half day ‘Managing Stress’ workshop to enable participants to identify the potential sources of stress (inside and outside the workplace), the signs / symptoms of stress, and the steps that can be taken to deal with stress. This is ideal for anyone with responsibility for managing people.

For a cost effective quote to deliver a workshop either internally or externally please contact Gail on **619619 / 478764** or email [gail@SmartHR.co.im](mailto:gail@SmartHR.co.im)

**“SmartHR... Our aim is to be your trusted and preferred HR services provider – delivering effective solutions and customer services excellence.”**

## UK: Unfair Dismissal - qualifying period increase

On 6 April 2012, the qualifying period for gaining employment protection rights for unfair dismissal will increase from 1 year to 2 years. This will only apply to employees who start a new job on or after 6 April 2012. Employees that are already in employment before 6 April 2012 will retain the 1 year qualifying period.

*Note that the increased qualifying period will not affect claims where a qualifying period is not needed e.g. discrimination or whistleblowing.*

The qualifying period of employment for the right for employees to request written reasons for dismissal will also increase from 1 year to 2 years from 6 April 2012

## UK: Tribunal Procedure Changes

On 6 April 2012, various changes will be made to the Tribunal procedure.

Witness statements will not be read out but will be taken as read by the Tribunal.

Judges will sit alone without lay members for some unfair dismissal cases.

Expenses will be withdrawn for witnesses. The amount of costs a Tribunal can award without referring to the County Court will increase from £10k to £20k.

In addition, the amount of the deposit that Tribunals can order a claimant to pay before proceeding with a claim will increase from £500 to £1k.

## IOM: Online Work Permit Service

The Department of Economic Development has launched a new free online service for employers who hold work permits for their staff. The service will enable employers to renew permits online and review the details of any permits they hold or have applied for. Employers will also be able to update the details of each work permit they hold, review expiry details and cancel work permits online.

Further details can be found at: <http://www.gov.im/onlineservices>

## Permanent Contracts offered to Fixed-Term Employees

### Huet v Universite de Bretagne occidentale

In this case, Mr Huet became a permanent employee after he had worked as a Researcher – on successive fixed term contracts covering a period of 6 years. However, Mr Huet was permanently employed as a Research Officer with lower pay than a Researcher. The European Court of Justice (ECJ) was asked if Mr Huet's permanent contract and his previous fixed-term contract must have the same terms of employment – namely, the same pay and job title. The ECJ replied no, but that the terms of the permanent contract (taken as a whole) should not be less favourable than the terms of the previous fixed-term contract – if the employee's job has not changed.

*In the UK, the ECJ's decision will apply to fixed-term employees who have become permanent employees because they have worked on successive fixed-term contracts for at least four years.*

## Change in RIDDOR Reporting (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995)

From 6 April 2012, RIDDOR's over 3 day injury reporting requirement will change. From then the trigger point will increase from over 3 days' to over 7 days' incapacitation (not counting the day on which the accident happened).

Incapacitation means that the worker is absent or is unable to do work that they would reasonably be expected to do as part of their normal work.

Employers and others with responsibilities under RIDDOR must still keep a record of all over 3 day injuries – if the employer has to keep an accident book, then this record will be enough.

The deadline by which the over 7 day injury must be reported will increase to 15 days from the day of the accident.

Further details can be found on the Health & Safety Executive's website at: <http://www.hse.gov.uk/riddor>

To find out how SmartHR can add value to your business call Gail on 619619 / 478764, email: [gail@SmartHR.co.im](mailto:gail@SmartHR.co.im) or visit our website at [www.SmartHR.co.im](http://www.SmartHR.co.im)

## Other news...

- **Channel Islands: Parental leave proposals for Jersey and Guernsey.** Jersey's parental leave proposal has been discussed in the States Assembly, but draft legislation has not yet appeared and there are no details of an arrival / implementation date. Guernsey's States Policy Council has reached a preliminary agreement on statutory maternity leave – a basic entitlement of 12 weeks' leave (2 weeks compulsory after birth). Women with 15 consecutive months service with an employer would be entitled to up to 26 weeks' leave and partners would get 2 weeks 'maternity support leave'. Pay would be via a maternity health allowance and a newborn care allowance, capped at £180 per week. Implementation is expected in 2014.
- **Single Data Protection Regulations proposed for EU.** The European Commission has produced proposals to replace the various different data protection laws and reporting requirements across Europe with a single set of data protection regulation for the 27 member states. A framework for the reforms is expected to be completed by the end of 2012, with implementation by the end of 2014. Further info at: <http://ec.europa.eu/justice/data-protection>



## SmartHR's Recruitment Services

**Executive Appointments**  
**General Recruitment**  
**Interim Positions**

We will work in partnership with you to understand your needs and provide you with a *professional, confidential and dedicated personal service.*

Contact Gail on 619619 / 478764 to discuss your requirements

<http://www.SmartHR.co.im/recruitment>

**SmartHR delivers a range of 'Skills Workshops' in order to enhance people management performance:**

- Apr 17:** Effective Recruitment & Selection
- Apr 19:** Managing Discipline & Grievances
- Apr 25:** Managing Absence
- May 3:** Effective Appraisals
- May 8:** Managing Performance
- May 9:** Coaching & Feedback Skills (am)
- May 9:** Delegation Skills (pm)
- May 23:** Managing Performance Problems
- June 19:** Effective Team Meetings (am)
- June 19:** Effective Time Management (pm)
- June 21:** Customer Care, Telephone & Time Management Techniques
- June 27:** Managing Stress (am)
- June 28 & 29:** Train the Trainer

Visit the **Training page** of our website for details of all of our training workshops. For a *cost effective quote* to deliver any of the courses internally, please email [gail@SmartHR.co.im](mailto:gail@SmartHR.co.im)

Further details can be found at [www.SmartHR.co.im](http://www.SmartHR.co.im)

*We can also create bespoke courses and deliver employment legislation overview sessions*

