



## Welcome to SmartHR's August 2011 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

## SmartHR launches Recruitment Services!

Following the launch of SmartHR last year to provide outsourced HR management and training solutions to businesses, we have now extended our services to include recruitment consultancy for Executive, Permanent and Interim positions. A natural progression for the business, it further utilises almost 20 years HR management experience – from recruitment and selection to development and transition – operating in range of different industries. Gail has also recently become a *Fellow of the REC's Institute of Recruitment Professionals*, showing her commitment to operating in an *honest, transparent* and *fair* manner and adhering to the IRP's Code of Ethics and Professional Conduct.

Whether you are an employer looking to fill a specific job vacancy, or a candidate seeking a new opportunity, we will work in partnership with you to understand your needs and provide you with a *professional, confidential* and *dedicated personal service*.

If you are an employer with a vacancy to fill – contact us on **619619** to discuss your vacancy needs, or upload details of your vacancy online at <http://www.SmartHR.co.im/recruitment>.

**Looking for a new opportunity or a change of direction?** It's easy to register! Call us on **619619** or complete an online candidate registration at <http://www.SmartHR.co.im/recruitment> and we will arrange a confidential meeting to gain a good understanding of your career aspirations, remuneration requirements, and preferred industries.

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

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
- **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**

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## You could also...

- Encourage employees who have attended training courses to present feedback to colleagues on the knowledge they have gained;
- **Set up a corporate library;**
- Create internal process guides / manuals to assist with training and development;
- Establish a knowledge database to record regular questions received from employees and/or customers, and answers;
- Create 'frequently asked questions' documents to support company / internal policies and procedures;
- Establish performance improvement / quality control meetings – e.g. to review customer complaints, accidents, health and safety issues - and provide staff updates on corrective actions taken, process changes etc.;
- Create opportunities for job rotation, cross-department projects or secondments;
- Consider if an apprentice programme would be beneficial for your organisation;
- Ensure that future known leavers such as retirements and internal transfers are managed well and that knowledge transfers to others in a structured way, well in advance of the employee's departure from the Company.

HR can play a key part in designing knowledge management processes and helping your organisation to implement a range of ways to manage and share knowledge, including facilitating the transfer of knowledge to others, obtaining feedback on knowledge management, and evaluating that knowledge is being shared and transferred to others as planned.

## SPECIAL FEATURE:

### KNOWLEDGE MANAGEMENT

Knowledge management has developed a lot over recent years, and in many forms. It comprises of a range of strategies and practices that organisations use to identify, create, represent & distribute knowledge (insights and experiences gained by individuals or that are embedded in organisational processes or practices).

**Why is knowledge management important? *Managing knowledge can help organisations improve their performance, gain a competitive advantage, manage the impacts of attrition, and continuously develop.***

### So...how can you manage knowledge within your Company? You could...

- Create a culture of knowledge sharing, promoting learning and innovation;
- Establish incentives to reward knowledge sharing / knowledge management;
- Incorporate sharing knowledge with others into your performance management / appraisal process;
- Measure the value of knowledge and/or the impact of knowledge management;
- Incorporate 'knowledge management' questions into your internal employee surveys or 360 degree feedback processes - this could include identifying: whether sharing knowledge occurs within your organisation, at what level, what knowledge is shared, how knowledge is shared, preferred methods of sharing knowledge, and whether knowledge sharing is successful;
- Set up an effective induction programme for new employees – this is an ideal way to share knowledge regarding your company, its background, structure, strategy and business focus, corporate objectives, policies and company rules;
- Create structured training and development programmes for new and existing employees;
- Use 'buddies' – identify experts in different business areas that can be used as buddies to new or existing staff to improve their knowledge and skills;
- Create a more formal mentoring programme – linked to succession planning needs;
- Hold regular, effective meetings to provide team / department / business updates;
- Use 'lunch n learn' meetings to provide short, focused knowledge sharing sessions;
- Create discussion forums;
- Establish a company intranet;
- Consider using appropriate social media;

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## UK: Abolition of Default Retirement Age (age 65) effective 1 Oct 2011

A reminder that the DRA will be abolished in the UK from 1 Oct 2011.

*If you have not done so already, amend your employment contracts and complete a review of other areas that may be affected by this legislation.*

## UK: Agency Workers Regulations effective 1 Oct 2011

A reminder that the AWR's will be effective in the UK from 1 Oct 2011 providing all agency workers with a right to equal treatment over basic employment rights once they have completed a 12 week qualifying period.

*If you have not done so already, review your agency worker arrangements now.*

## UK: Age discrimination overtakes race discrimination in tribunal cases

The UK Tribunals Service has released figures for the YE 31 March 2011 showing that 6,800 age claims were lodged in 2010-11, up 5,200 from the previous year and up from 3,800 in 2008/9. Race discrimination stood at 5,000 cases, and 18,300 sex discrimination cases.

*Have you provided refresher training to your people lately on Equal Opportunities and Discrimination? Contact us on 619619 and we can deliver a workshop for you.*

## INTERESTING EMPLOYMENT TRIBUNAL CASES...

### Publicis Consultants UK Ltd v O'Farrell

In this case the EAT found that calling a payment "ex-gratia" could lead to the employee receiving a **DOUBLE** pay-out in the event of a claim. O'Farrell's notice period was 3 months. She was made redundant on 4 days' notice and received a letter stating she would receive various sums including an "ex-gratia payment equivalent to three months' gross salary". O'Farrell claimed unfair dismissal and breach of contract for failing to pay her notice pay. She claimed that the ex-gratia payment was not payment of her notice period. The tribunal and EAT agreed and concluded that there was nothing in the letter she received to confirm that the ex-gratia payment related to her notice period (which it was intended to be) – as opposed to it being a voluntary, additional severance payment. *Using the words "ex-gratia" should only be used for payment in excess of a person's contractual entitlement and intended as a gift to the employee.*

Case ref: EAT2011/0430/10/2705

### Oudahar v Esporta Group

EAT decision shows employers must be careful when moving towards disciplinary action or dismissal where there is a dispute over employee safety in performing their normal work duties. This could lead to automatically unfair dismissal claims without the need for a year's continuous service. The UK Employment Rights Act 1996 protects people with a reasonable belief (even if they are incorrect) that they are in imminent and serious danger and take action to prevent harm to themselves and others as a result of this. In this case a Chef was dismissed after refusing to mop up behind fryers. He believed this was dangerous as maintenance work had led to electrical wiring being exposed. The Company obtained a statement from the Maintenance Manager stating there was no danger, accepted it and dismissed the Chef for disregarding food hygiene and failing to obey instructions. A Tribunal found the dismissal was not automatically unfair. The employee appealed and the EAT upheld it.

Case ref: EAT/0566/10/DA

### London Borough of Hackney v Sivanandan

Discrimination at work could result in employees facing increased penalties. The EAT ruling on this case signifies a potentially significant change in how Tribunals approach compensation awards where both an employee and employer are jointly liable for an act of discrimination. In a successful unlawful discrimination claim, compensation can be awarded against the complainant's employer and potentially the employee who committed the discriminatory act. This means a successful claimant can enforce compensation against either respondent in full, and can choose who to enforce it against if the respondents do not make payment. *For example: in a situation where an employer becomes insolvent and doesn't make a compensation payment, the individual who discriminated could end up paying ALL of the compensation.*

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

## Sexual Orientation tribunal case:

**Grant v HM Land Registry** (case ref 2011EWCA Civ 769)  
Grant was open about the fact he was gay whilst working for the Land Registry. He moved location to a new job role & did not mention his sexuality to his new colleagues, however, his line manager knew he was gay and told another member of staff. His sexuality was also alluded to at a dinner party. Grant claimed due to these and other incidents that he had been discriminated against and harassed on grounds of his sexuality. After a tribunal and appeal, the Court of Appeal (COA) concluded that whilst Grant might have been upset at his sexuality being discussed as idle gossip, it did not amount to discrimination when there was no "ill intent". *The COA did comment that "outing" a person's sexuality that was secret could amount to unlawful discrimination and harassment.*

## Other News...

- Headhunters/search firms working with FTSE 350 companies have agreed a code to ensure 30% of long-listed candidates are female.
- A recent CIPD press release has announced that 'job satisfaction' is now below 'increased pay and benefits' as the No.1 reason why employees want to change jobs.



## Looking for fun and creative teambuilding ideas?

SmartHR can work with you to design a suitable teambuilding activity day or programme. Team members will practice: openly discussing ideas and options for taking the activities forward, negotiating, persuading, influencing, decision making, planning and organising, prioritising, communicating effectively, managing a budget, and working together to produce a final product / result.

**Call Gail on 619619 to discuss your teambuilding requirements**

SmartHR is delivering the following 'Skills Workshops' in order to enhance people management performance:

**16 Aug - Managing Performance (1 day)**

**18 Aug - Managing Discipline & Grievances (1 day)**

**23 & 24 Aug - Essential HR for Line Managers (2 days)**

**26 Aug - Managing Performance Problems (1 day)**

**6 Sept - Delegation Skills (1/2 day - am)**

**7 & 8 Sept - Train the Trainer (2 days)**

**13 Sept - Negotiating & Influencing (1 day)**

**16 Sept - Managing Stress (1/2 day - am)**

**16 Sept - Effective Time Management (1/2 day - pm)**

**19 Sept - Coaching & Feedback Skills (1/2 day - pm)**

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

**To book email: [gail@SmartHR.co.im](mailto:gail@SmartHR.co.im)**

