



Welcome to SmartHR's January 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
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Read our Client Testimonials here: [Testimonials](#)

Happy New Year!

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.

I hope this newsletter finds you well, having survived the festive season, and looking forward to the year ahead... Last month I provided an overview of some of the employment legislation changes in 2011. In this edition, I will highlight some of the possible changes to employment legislation in 2012.

Previous editions of our e-newsletter can be viewed on the 'Articles' page of our website at: <http://www.smarthr.co.im>



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**

So... what could be new for 2012?

IOM: Control of Employment Bill and Regulations

The DED consulted on proposals for new legislation in 2011, and a new Control of Employment Bill and Regulations could be introduced in 2012 which will replace existing legislation.

IOM: Equality Bill

The DED is currently working on an Equality Bill which will deal comprehensively with discrimination on the grounds of race, religion, sexual orientation, age, disability and gender reassignment.

IOM: Consultation on Health and Safety enforcement

A new body is being set up to shape a 'common sense' approach to health and safety laws in the Island. The new Health and Safety Consultative Committee will comprise representatives from industry, the public, the third sector and Government. The committee should be in place by April 2012.

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Other UK changes:

1 Feb 2012: Increase in limits to Employment Tribunal Awards

A week's pay to increase from £400 to £430. This will result in the maximum compensatory award for unfair dismissal increasing from £68,400 to £72,300.

8 Mar 2012: Parental Leave Directive 2010 changes

The allowed period of parental leave following the birth or adoption of a child to be increased from 3 months to 4 months. At least 1 of the 4 months will be not transferable between the parents (if it is not taken it will be lost).

6 April 2012: Unfair Dismissal qualifying period employment protection rights to increase

The qualifying period for gaining employment protection rights for unfair dismissal will increase from 1 year to 2 years.

6 April 2012: Statutory benefit rates to increase

Statutory Sick Pay to increase to £85.85 per week. Statutory Maternity Pay, Statutory Paternity Pay and Statutory Adoption Pay will increase to £135.45 per week. The weekly earnings threshold for SMP, SPP and SAP will increase from £102 to £107.

Oct 2012: Pensions auto-enrolment

Employers to auto-enroll eligible employees who are not part of a workplace pension scheme into a qualifying workplace pension or the National Employment Savings Trust pension scheme, and make minimum contributions. The UK's largest employers will be legally obliged to comply first, with all employers complying by 2017.

Potential future UK Employment Legislation changes for 2012

2012 could see a number of potential changes...

Employment Tribunal reforms:

A Private Members Bill is being debated regarding the introduction of maximum Employment Tribunal compensation awards. This includes introducing a maximum compensation limit for unlawful discrimination – as opposed to the current 'unlimited' status. Also, fees for lodging tribunal claims could be introduced in 2012/13. There is also the suggestion of fining employers up to £5,000 (on top of damages) if they lose a tribunal.

Compensated 'No Fault' Dismissal:

The UK Government is expected to progress consultation on the introduction of 'no fault' dismissals for businesses with less than 10 employees.

Protected Conversations:

Consultation could be progressed in relation to 'protected conversations' whereby discussions of issues such as poor performance or retirement could be allowed without the risk of being quoted in any subsequent Employment Tribunal hearing.

Amending the Working Time Regulations regarding Annual Leave and Sickness Absence:

Consultation on enabling workers unable to take annual leave during one holiday year to carry unused holiday leave to the next holiday year, and allowing leave taken for maternity / paternity / adoption / parental leave purposes to be carried over to the next holiday year.

Compulsory Equal Pay Audits:

Mandatory equal pay audits could be introduced for employers who are found by an Employment Tribunal to have discriminated on grounds of sex in relation to pay.

And for 2015...a new system of Flexible Parental Leave

A new system providing more flexible options for Parental Leave is due to be implemented in 2015.

Are you struggling to keep up-to-date with employment legislation? Are you confident that your employment documents, policies and processes comply? Need help and assistance in managing HR? Then contact SmartHR! We can help you to comply with employment legislation; adopt best practice people management approaches; and provide guidance and support to you on a flexible basis.

UK: Michalak v Mid Yorks NHS Sex and Race Discrimination claim awards doctor £4.5 million

Dr Eva Michalak, a Polish female doctor was awarded £4.5M in compensation after a tribunal concluded that she had been subjected to sex and race discrimination and a concerted plan of action designed to end her employment with the Trust. The Tribunal held the NHS Trust and 3 senior managers jointly and severally liable and ordered them to pay Dr Michalak £4,452,206 in compensation. This is one of the largest UK discrimination compensation awards made.
Case ref: 1810815/2008

UK: HR Manager claims constructive dismissal after he was disciplined over information posted on his LinkedIn profile

Mr Flexman, a HR Manager, posted his CV and ticked the 'career opportunities' box on his LinkedIn profile. His employer, BG Group objected to data on his CV regarding reducing attrition rates. He was disciplined for this and breaching the company's social media policy. Mr Flexman subsequently resigned claiming constructive dismissal.

This case is ongoing and it will be interesting to note further developments on this in the future...

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

Are your managers knowledgeable and up to date on employment legislation?

SmartHR can deliver a half day 'Employment Legislation Overview' presentation covering:

- Equal opportunities and discrimination
- **Immigration and work permits**
- Criminal convictions / rehabilitation of offenders
- **Main terms of employment and minimum wage**
- Family friendly rights – maternity, paternity, adoption and parental leave
- **Part-time workers and flexible working**
- Statutory notice periods
- **Discipline and grievances**
- Dismissal
- **Redundancy**
- Whistle-blowing
- **Other statutory rights**
- Recent and future legislative changes

Contact us on **619619 / 478764 for a cost effective quote to deliver this presentation internally.**

Employment Appeal Tribunal finding...

Camelot Group v Hogg:

In this case, the Employment Appeal Tribunal overturned the original Tribunal's decision that Hogg's dismissal was unfair.

Hogg had been included within a redundancy scoring exercise. She was given her scores and advised that she had not secured a position via the redundancy exercise. Hogg asked to see her interview notes. She did not accept that her redundancy scores reflected her abilities, but she did not challenge her redundancy scores specifically.

The EAT found that the employer was not required to provide interview notes (or any other documents) to the employee prior to a decision to dismiss where the employee has made only a general, rather than a specific, challenge to the redundancy assessment criteria. It was considered that asking for interview notes was not a specific challenge to her redundancy scores and that the Tribunal's decision that her dismissal was unfair was incorrect.

And some other areas being considered for change in the UK...

Potential changes to collective redundancy consultations

The UK Government is reviewing whether to potentially reduce the redundancy consultation period from 90 days to possibly 60, 45 or 30 days for collective redundancies.

Potential 'Rapid Resolution' scheme could replace employment tribunals for straightforward claims

The UK Government is considering the use of a 'Rapid Resolution' scheme for dealing with claims such as a dispute over holiday pay, as a cheaper alternative than an employment tribunal. Over 200,000 employment tribunal claims were made last year. Any scheme would be subject to public consultation before being implemented.

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



SmartHR's Recruitment Services

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.*

Contact Gail on 619619 / 478764 to discuss your requirements

Visit our Recruitment Page at <http://www.SmartHR.co.im/recruitment>

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

- Jan 26: Effective Recruitment & Selection
- Feb 7: Managing Discipline & Grievances
- Feb 9: Managing Absence
- Feb 21: Effective Appraisals & Objective Setting
- Feb 23: Managing Performance & Personal Development Planning
- Feb 28: Coaching & Feedback Skills
- Feb 28: Delegation Skills
- Mar 6: Managing Performance Problems
- Mar 7: Effective Team Meetings
- Mar 7: Effective Time Management
- Mar 13: Customer Care, Telephone & Time Management Techniques
- Mar 15: Managing Stress
- Mar 21 & 22: Train The Trainer
- Mar 27: Negotiating & Influencing

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

Further details can be found at www.SmartHR.co.im
We can also create bespoke courses

