

EMPLOYMENT ADVICE UPDATE JULY 2011

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Work and Mental Health Issues

The Royal College of Psychologists has set up a useful set of information on work and mental Health.

This includes a broad range of guidance for both employers and employees in very readable documents. This includes guidance on a wide range of mental health issues and practical tools.

See <http://www.rcpsych.ac.uk/mentalhealthinfo/workandmentalhealth.aspx>

Employing Agency Staff & Temporary Workers

The government has issued Guidance on the new Agency Workers Regulations. These come into effect in October 2011 and provides a number of protections for agency workers. Organisations that provide agency staff to an employer for more than 12 weeks and employers who have agency staff for more than 12 weeks will need to review the terms of engagement for those employees as they will be entitled to comparative pay and conditions to those they are working with.

<http://www.bis.gov.uk/assets/biscore/employment-matters/docs/a/11-949-agency-workers-regulations-guidance>



Workshop on Agency Regulations

EAS in conjunction with Harrowells Solicitors and the CIPD ran a special workshop on the 20th July at Clements hall.

One important change in the act is the understanding of 'temporary agency worker'. Although the BIS guidance on the Act is that it does not include secondments, some legal opinions suggest that the way the language of the law is open to interpretation and may will apply to staff on secondment to another organisation and staff paid as an employee of one organisation working in another organisation.

From Public Sector to Voluntary Sector- Forth coming event

Shulmans' solicitors will be running a session on the Legal implications of businesses transferring from the public sector to the Voluntary sectors. This will cover issues of TUPE, Commissioning and Procurement, Trustee responsibilities and Organisational structures.

Further details will be announced shortly.

The Bribery Act 2010

The guidance provides information on the safeguards that businesses can put into place to prevent bribery as well as case studies on hospitality, facilitation payments and joint ventures. It also gives an indicative but non-exhaustive list of topics that a business's anti-bribery policy should cover, for example disciplinary procedures and sanctions for a breach of the anti-bribery policy. The guidance is based on six guiding principles: proportionate procedures; top-level commitment; risk assessment; due diligence; communication (including training); and monitoring and review. The guidance makes clear that the Act will not prohibit bona fide hospitality, promotional or other business expenditure, provided that it is proportionate and reasonable. The guidance is also accompanied by a non-statutory quick start guide, which is aimed at helping small businesses prepare for the Act's implementation.



This will come into force on the 1st July 2011.

Guidance can be found on <http://www.justice.gov.uk/guidance/bribery-act-2010-guidance.pdf>

A quickstart guide can be found on
<http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>

Grievance and Disciplinary Procedures

ACAS has published a research paper evaluating the ACAS Code of Practice on Disciplinary and Grievance Procedures. The research concludes that more can still be done to encourage early resolution of disputes and increase employer - **especially small employer** - awareness of the Code.

In 2009 the statutory dispute resolution procedures were repealed and replaced by the ACAS Code of Practice on discipline and grievance. The Code places less emphasis on the mechanics of how to manage disciplinary issues, grievances and dismissals, instead providing greater flexibility for parties to resolve problems at an early stage.

Further information:

<http://www.acas.org.uk/media/pdf/4/r/Evaluation-of-the-Acas-Code-of-Practice-on-Disciplinary-and-Grievance-procedures-accessible-version-.pdf>

Help with Forthcoming Pension Auto- enrolment

As from October 2012, all large employers will have to start the "auto-enrolment" of all their qualifying employees into a work pension scheme. For small employers (with less than 50 employees) Auto-Enrolment will not start until 2014.

This not optional and it will apply to all charities and voluntary sector employers.

To help employers plan for this, the Pensions Regulator has published some user friendly guidance:



<http://www.thepensionsregulator.gov.uk/press/pn11-10.aspx>

Further information can also be obtained from your local [CANNY](#) advisor.

Forthcoming Changes

The Government is consulting on a wide range of changes to employment legislation. This includes

- Simplifying the maternity and paternity regulations with greater flexibility to transfer leave to fathers
- Organisations being able to buy out holiday entitlements. (A recent survey showed an increasing number of organisations seeking to reduce leave entitlements)
- Changes to TUPE regulations
- Abolition of the two tier agreement for transfers of staff from the public sector to the voluntary or private sectors
- Some changes to the Equality Act

Further Employment Advice

For further advice contact the Employment Advice Service at Employment.advice@nyyforum.org.uk

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