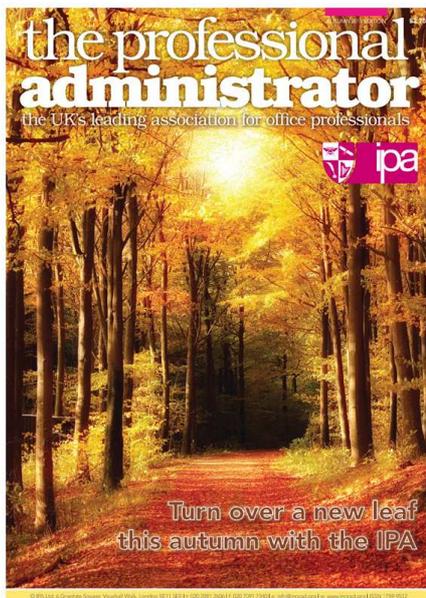


HR Performance

Your Virtual HR Manager - 24 Hours Per Day!



HR Performance: November 2011 Article for IPA magazine



The following article first appeared in the November 2011 edition of the professional administrator Magazine which is the British Journal of the UK's leading association for office professionals.

James Turner is the Managing Director of HR Consultancy The Performance Group Limited and has over 25 years commercial HR experience working with National and International Companies in designing developmental; training; recruitment and HR strategic solutions. He works across more than a dozen different business sectors including sports, substance misuse, education, retail, manufacturing, catering, professional bodies & institutes, as well national and local government. Clients include every premier ship football clubs community sports team as well as a diverse range of small and medium sized businesses through to billion pound turnover organisations. James will now be writing a regular feature for manager offering timely and practical advice about impending employment legislation and issues affecting all businesses.

Welcome to what is planned to be the first of a series of HR related articles aimed at the professional administrator. This issue I am going to look at clarifying the four most commonly asked questions relating to HR and hope this proves illuminating!

1: Does it matter if we do not issue a contract to new employees? As soon as an employee commences work for you a contract of employment is automatically created regardless of whether anything has been provided in writing or not. Of course, providing a written statement of terms and conditions would prevent a lot of disputes in the future. The law states that once an employee has worked for an employer for longer than one month they must be provided with a written statement of the employment particulars within two months of their start date. This written statement must contain certain information and we will cover this in more detail in a future article.

2: What breaks are employees entitled to during a working day? This is covered very clearly in the working time regulations. For employees aged 18 or over the law states that when they work for more than six hours they are entitled to a 20 minute break; whilst those aged under 18 are entitled to a break of 30 minutes if working more than four and a half hours. Contrary to popular belief there is no requirement that says these breaks should be paid – unless the contract of employment specifically grants this. We'll be taking a more in depth and practical look at the working time regulations in a future article.

3: Doesn't the law allow me to take bank holidays off work and to get paid for them? The simple answer here is...no! There is no statutory right for an employee to receive paid leave on bank or public holidays – or for that matter to receive additional pay if required to work on a bank or public holiday. However, the law states that a full time employee is entitled to a minimum of 5.6 days paid annual leave – which for an employee working five days a week equates to 28 days annual leave – and a part-time employee would receive a pro rata entitlement. Therefore, as long as the employee receives the statutory minimum holiday as outlined above, the days they work, or do not work, will be as agreed with the employer and through the contract of employment. The only exception to this is that certain shop workers in large shops must be given Christmas Day off regardless of the day it falls on – but there is still no statutory right to be paid for that day.

4: If I dismiss an employee with less than one years' service they can't take me to an Employment Tribunal...can they? They couldn't complain of unfair dismissal currently unless they have at least 12 months service. But they could complain to an Employment Tribunal that they were discriminated against; or were victimised for making a protected disclosure; or that you breached their contract of employment...and there are a few other reasons besides those too. Always take expert advice before terminating any employee – regardless of their length of service!

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