

HR Performance

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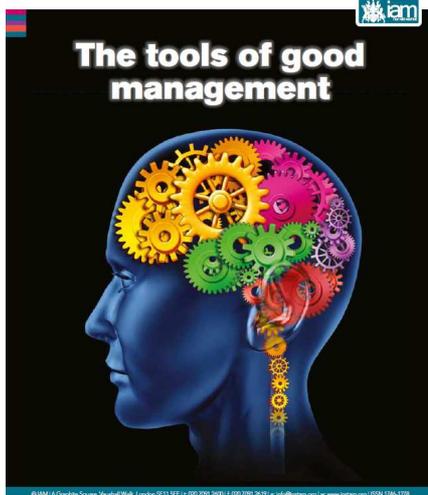


HR Performance: October 2011 Article for IAM manager

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The following article first appeared in the October 2011 edition of the manager Magazine which is the British Journal of Administrative Management.

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 premiership 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.

As is normal for my column at this time of the year, here's a round-up of the new and impending legislation.

As covered in-depth in my last article, October 1st 2011 saw the introduction of the Agency Workers Regulations. I won't repeat any of the information here,

but if you missed July's issue please contact me using the details below and I'll be pleased to send you a PDF with all the facts and advice.

This October sees the hourly rate of the National Minimum Wage for workers over the age of 21 increasing to £6:08 from £5:93. The development rate is now £4:98; the rate for 16 & 17 years olds is £3:68 and the new apprenticeship rate is £2:60.

And that is all we have right now – but look to the horizon and some very interesting and controversial plans are afoot!

Announced “officially” at the beginning of this week by the coalition Government is that from April 2012 the minimum service for an employee to complain of unfair dismissal will increase from 12 months to two years – exactly as it used to be prior to 1999 when the then Labour Government reduced it to the current 12 month period. The reason for this change is to particularly assist small businesses to recruit more easily by reducing some of the risks of a tribunal claim following dismissal of an employee with less than two years' service.

However, the unions are very likely to challenge this erosion of employee rights. One way they could do this is by claiming that the increase in the qualifying period to make a claim of unfair dismissal will be indirectly discriminatory on the grounds of sex to women, as they are more likely to have shorter service and therefore will be treated less equally by this change. There could also be an argument about indirect discrimination on the grounds of age as young workers will be less likely to have the required two years of continuous employment.

If that wasn't exciting enough, what about the plans from April 2013 that employees requesting an employment tribunal hearing are to be charged a fee of £250...and a further £1000 if the hearing is granted? And if they lose the hearing they will lose their money! All aimed to reduce vexatious claimants and which is believed will reduce standard unfair dismissal claims by approximately 2000 per year.

Watch this space because it's going to get very interesting in the next six months!

In our next article we'll examine this new piece of legislation in more detail as more consultation and feedback comes through.

James can be contacted by visiting www.tpgl.co.uk or calling 0845 880 2255