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Research Job Applicants

How often have you checked up on a job applicant on Facebook, Twitter or LinkedIn? You could be breaking the law in future.

An EU data protection working party has ruled that employers should only do this kind of research on candidates if they have legal grounds to do so.

The guidelines from the working party will inform a radical review of European data protection laws known as the General Data Protection Regulation (GDPR) which are due to come into force in the UK in May, 2018

They have also recommended that any data collected from a search on the internet about a potential candidate must be necessary and specifically relevant to the role.

All employers should start thinking about the implications of General Data Protection Regulation for their businesses.

When does Notice of Termination of Employment Take Effect?

If termination is sent by post then it must be received by the employee to be effective and cannot be implied to have taken effect on any other date.

An employer can be sure and avoid this kind of issue by communicating with the employee in person or by contacting the employee by telephone to give verbal notice and then confirming in writing.

Holiday Pay Must Include Voluntary Overtime

If an employee regularly works voluntary overtime over and above their contracted hours of work, these payments may now have to be included as part of their holiday pay. The Employment Appeal Tribunal (EAT) stated that voluntary overtime worked for a sufficient period of time on either a regular and/or recurring basis must be included in the first four weeks of paid holiday.

Dismissal Following Long-term Sickness Absence

The Court of Appeal has recently provided some useful guidance on the safe dismissal of an employee who has been on long-term sickness absence.

- It is not necessarily unfair to dismiss an employee who has been absent due to illness for over twelve months



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- Employers should retain clear detailed evidence of the impact an employee's absence has on the business
- If new medical evidence states an employee may soon be able to return to work, this should always be further investigated before making a decision to terminate employment or upholding a dismissal decision, even if the evidence is unclear or produced at a late stage in the process.

5 Tips to Ensure Your New Employees Get off to the Best Start

A well-structured on boarding programme will help to give new employees the best possible start. Done well, it will help employees settle into their role and be more effective and productive.

Have you ever started a new job when you were sat down at your desk by your new boss and left to get on with it? I certainly have and I remember how it made me feel. Confused, unwelcome and unsure of just about everything. It doesn't need to be that way. These five simple tips will help to ensure that new employees have a positive experience when they join the company:

- 1. Employment Contract** - You have to give new employees a 'written statement of employment particulars' within two months of their start date. But instead, why not email them a copy of their contract of employment as soon as they accept your job offer. Ask them to let you know if they have any queries and any concerns or issues they have will be ironed out before they join. This will help to get the employment relationship off to a great start.
- 2. Company Induction** - Carry out an induction with all new employees. It may only take a couple of hours. Tell them the story behind the company and introduce them to key members of staff. Talk about future plans and where they fit into them. Deal with the paperwork, P45 or P46, bank details and any other information you need. Make sure they know about the trivial stuff, where do they make a cup of coffee, toilets, fire alarm tests, arrangements for lunch etc. It's also a great opportunity for them to get answers to any other questions they may have.
- 3. Employee Handbook** - This will help to ensure that the new employee understands their responsibilities – and yours. Who do they call if they are sick, what's your email and internet policy, how much notice do they need to give when booking holidays, etc. etc.
- 4. IT Set-up** - If you make sure you have set up to all the relevant systems in advance, it will show that your company is professional and organised. This will avoid having a member of staff sitting around twiddling their thumbs while they wait to get access to their email and other systems they need to do their job.
- 5. One-to-Ones** - Particularly important during the early days, regular one-to-ones will enable you to discuss your new employee's progress, give constructive feedback and sort out any issues before they escalate.

These five simple steps can be implemented by companies of any size and there is every chance your employees will be more engaged, productive and happy and stay with the company longer.



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Breach of NMW results

Common mistakes made by employers included deducting money from pay packets to pay for uniforms, failure to account for overtime hours, and wrongly paying apprentice rates to workers.

The breach can occur if its employees have been required to attend briefings before their shifts started, but without being paid. They also had to undergo security searches after their shifts ended.

CONTRACTS OF EMPLOYMENT

The contract is the most important HR document you'll have in your business and it should be kept up to date with changes to salary and working hours, plus any changes to employment law. The biggest problem we often find is that many businesses don't have contracts. We advise all employers to issue employees with a contract.

At the very least you are legally required to provide all members of staff with a written statement of the terms and conditions of their employment within 60 days of starting employment. By setting out what is expected from both the employee and the employer in writing, this can prevent misunderstandings in the future and make managing employees much easier. Having an up-to-date written set of terms will become essential should matters ever come to a head.

Note: Changes to employment law come into force in April and October every year, so you need to make sure your contracts are updated.

At Chiltern HR we can take care of all of this for you.



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