

getting personnel

Bunkers Solicitors and Permanent Solutions Direct

looking after your best assets

Spring 2009

Digging For a Better Future



photo courtesy James Pike Photography Ltd

Corporate Social Responsibility (CSR) is growing in importance to businesses and employees, we all know that what we do today will affect our future generations. Each contribution, no matter how small, makes a difference.

We can each take simple steps within our own businesses, examples include:

- * Recycling printer cartridges & other office consumables (the principle one being paper!)
- * Using the most environmentally friendly office products
- * Switching to green utility tariffs
- * Investigating cycling to work schemes
- * Allowing employees paid time off in exchange for volunteering in the local community
- * Providing your product or services free or at cost to local community groups
- * Consider making charitable donations instead of sending corporate christmas cards
- * Link corporate events to fundraising for local charities or community groups
- * Ensure that you are compliant with the Disability Discrimination Act.

In addition:

- * Are you looking at your suppliers to ensure they are as ethical and as conscientious as you?
- * How are you measuring internal initiatives to know if they are successful?
- * Do you make the time to give something back yourself?

Angelina Andrews, one of the directors of Permanent Solutions Direct, was recently sent an email about a project run by the Business Community Partnership, a social enterprise that connects people and organisations with

a passion for business success and community prosperity. They are based in Brighton and the project they contacted us about was for a local community farm, we saw this as a great opportunity for us to get involved as a business.

So what did we do? It was a relaxed event aimed at bringing local businesses together whilst helping clear land, dig holes for fruit trees and raspberry plants as part of the Nourish Community Farm's perennial plants project, a social enterprise growing a variety of fruit, vegetables and plants to sell locally. They provide supported work placements for adults with mental health problems and learning difficulties, and supply produce to the 20/20 Café based at the East Brighton Mental Health Centre, another Nourish project.

The event was worthwhile for several reasons; firstly because all participants got to know each other and our respective businesses over the course of an afternoon, including looking at how we could work together in the future. One of the other companies is based in Henfield only a few minutes from our own! More importantly, Angelina said it was an incredible feeling to look around and realise at the end of the day what a difference had been made in helping this project move a step closer to its goal.

We have since become members of the Business Community Partnership and as a company we look forward to participating in future events and to giving something back. We have also established a new division within the business specifically for CSR roles and are looking to grow this increasingly important area. For more information, please call Permanent Solutions Direct on 01273 495353.

New Legislation Updates

see reverse for full details

It's our 4th Birthday!



It's our birthday! Permanent Solutions Direct have celebrated their 4th birthday. As part of our celebrations, directors Angelina and Lisa delivered birthday cakes to many businesses in Sussex and Surrey. We would like to offer you the chance to celebrate with us by giving you a party bag. With your party bag, you will be able to take advantage of the fantastic discounts and free services available to you throughout 2009.

Simply log onto our website at www.permanentsolutionsdirect.co.uk and enter the code **PSD11012005** to view your party bag.

Remember - once you have registered you can choose to redeem the offers at any time throughout 2009.

New Legislation Update

Abolition of Statutory Dispute Resolution Procedures

The changes to the current laws are among the most significant ones employment law has seen for the last 5 years, and are generally thought to be an improvement to the current system.

Currently, employers must follow a minimum statutory procedure before disciplining or dismissing an employee. Similarly, if an employee raises a grievance employers must follow a set procedure. Among other things, this procedure includes writing to the employee and inviting them to a meeting, carrying out a thorough investigation, advising them of their right to accompaniment, holding a meeting, informing them of any decision in writing and informing them of their right to appeal. Letters written must contain certain wording to comply with the small print of the regulations.

Failure to comply with any aspect of the current procedures will render the dismissal automatically unfair and result in an employee's compensation being increased by between 10 and 50% dependant on the seriousness of the procedural failings.

The Employment Act 2008, which comes into force on 6 April 2009, will repeal these procedures in their entirety and replace them with a new ACAS Code of Practice. As a result, compliance with the procedures will no longer be mandatory and the consequences of non-compliance will no longer be as harsh. Nonetheless, employers will be well advised to continue to comply with the procedures, as these mirror ACAS recommendations set out in the new Code, and importantly if employers fail to comply with a 'relevant code of practice', Tribunals will still have discretion under the new Act to increase any damages award by up to 25%. 'Any relevant code of practice' also includes employer's internal disciplinary and grievance procedures, and as a result employers should also ensure compliance with their internal procedures when dealing with a grievance or disciplining an employee.

Flexible Working Requests

From 6 April 2009, working parents with children under the age of 16 (or 18 if the child is disabled) and adult carers will be entitled to make a request to change the hours they work, the times when they are required to work or the place where they work.

Employers should not be concerned that this change will give parents increased rights to dictate the terms of their employment, because the effect of the legislation is simply to provide employees with the right to *request* flexible working, and it does not, contrary to some reports, provide employees with an automatic entitlement to work flexibly or part time.

Employers will still have the option to refuse any request for the following 8 reasons:

- * The burden of additional costs
- * Detrimental effect on ability to meet customer demand
- * Inability to re-organise work among existing staff
- * Inability to recruit additional staff
- * Detrimental impact on quality
- * Detrimental impact on performance
- * Insufficiency of work during the period the employee proposes to work
- * Planned structural changes

Employers need to be mindful an unreasonable refusal to work flexibly can also involve questions of discrimination, and for this reason it is advisable to obtain advice before refusing any application. On a practical level, employers also need to ensure their flexible working policies are up to date and compliant.

Changes To Holiday Entitlement

The final stage of a phased change to holiday entitlement comes into effect in April 2009.



The annual holiday entitlement will increase to 5.6 weeks from 1 April 2009 (can include Bank Holidays). Therefore if employers already allow their employees 20 days holiday per year plus bank holidays, there will be no need for them to increase employees' holiday allowances, although employers will need to consider if part-time staff are receiving the correct amount of days leave.

Minimum Wage

From 6 April 2009 employers will face a penalty if HM Revenue & Customs (HMRC) discover that they have failed to pay the national minimum wage and workers will be entitled to have arrears of wages repaid at current rates.

Compliance officers will be able to remove national minimum wage records from an employer's premises for photocopying.

The Act gives HMRC the power to use the search and seize powers in the Police and Criminal Evidence Act 1984 when investigating criminal offences under the National Minimum Wage Act 1998. The most serious cases will be tried in the Crown Court.

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