

# Making Your People Resources Work For You



Issue 17 October 2011

[www.morlangilhr.co.uk](http://www.morlangilhr.co.uk)



## ***New addition to MGHR team***

*I am pleased to announce that Roxanne Waterman has joined me as an administrative assistant from this month. Roxanne will be taking responsibility for all aspects of day-to-day administration and running the office.*

*If you would be interested in discussing MGHR becoming your 'Virtual HR Department', please call*

*Jim on  
02392 658212 or  
01329 519919  
or email  
[jm.gilhooley@morlangilhr.co.uk](mailto:jm.gilhooley@morlangilhr.co.uk)*

[www.morlangilhr.co.uk](http://www.morlangilhr.co.uk)

Welcome to MGHR's newsletter for October. The main point of note this quarter is that the new Agency Staff regulations come into force on 1<sup>st</sup> October. For employers using agency workers, this could have significant implications. But first, some general information.

### **1. Increase in the National minimum wage from 1<sup>st</sup> October 2011**

The adult rate of the NMW will rise from £5.93 to £6.08 per hour. The rate for employees aged between 18 and 20 increases to £4.98 (currently £4.92) and for workers aged 16 to 17 from £3.64 to £3.68 per hour.

The apprentice rate increases from £2.50 to £2.60 per hour.

### **2. Employment Tribunal statistics**

The annual report for 2010/2011 Tribunal has now been published. The implication is that it is definitely worth employer having sound, robust procedures for handling staff issues and situations.

While down from last year, there were still a hefty 218,100 claims accepted at Tribunal. The majority of these were related to unauthorised deductions of wages and also the Working Time Directive. However, a substantial number were still related to unfair dismissal and dismissal procedures in particular. In addition, there were over 23,000 claims related to redundancy pay and redundancy procedures (failure to inform and consult).

### **3. Equal treatment of Agency Workers from 1<sup>st</sup> October**

The Regulations basically give temporary or agency workers rights in two categories:

- Rights which will apply to all temporary workers from day one regardless of their length of service

This category entitles temporary and agency workers to have access to all employment vacancies and also to all on-site facilities and amenities. In practice, this should not be too onerous for an employer. From 1<sup>st</sup> October, employers must advise temporary workers of any vacancies, including permanent, within the company and be given the same opportunity to apply.

- Rights which apply once a temporary worker has completed 12 weeks service with a company.

After 12 weeks, agency workers will be entitled to equal treatment in relation to the same basic employment conditions as if they had been employed directly by the employer rather than the agency i.e. pay,

# Making Your People Resources Work For You



The average direct cost of recruiting a replacement member of staff is estimated at **£2500**

## *What our clients say about us*

*"We have worked with Jim on an ad-hoc basis for many years, and have recently formalised the relationship by appointing him as our HR advisor. We have always found him to be easy to work with, helpful and personable, and very well informed on his areas of expertise. We would happily recommend his services to others."*

*Operations Director*

overtime, bonus related to individual performance, annual leave and holiday pay.

Some terms have been expressly excluded where they relate to longer term benefits or pay-related conditions e.g. redundancy, sick pay schemes and bonuses not linked to individual performance.

From 1 October 2011, employers using agency workers for 12 weeks or more must ensure that agency terms and conditions are congruent with a directly hired employee 'doing the same job'. Even where there are no direct recruits doing the 'same job' an employer will need to consider what terms would have applied if there was i.e. where the agency worker is the only person in the company carrying out that particular job.

In addition, the regulations include provisions for calculating the 12 weeks. In certain circumstances gaps between periods of service will be discounted when calculating the 12 week period. Finally, they include anti-avoidance measures to stop employers deliberately depriving the agency workers of their entitlement, with fines of up to £5,000.

Responsibility for breach of the right to the same working and employment conditions lies with the hirer and agency to the extent that each is responsible. However an agency will have a defence where it has sought received and acted on information from the hirer about the relevant basic working and employment conditions of direct recruits. Employers/Hirers could be liable if they supply incomplete or inaccurate data to staffing agencies.

**If you would like help with or more information about any of the above please call or email me**

Jim Gilhooley

[jim.gilhooley@morlangilhr.co.uk](mailto:jim.gilhooley@morlangilhr.co.uk)

**New Clients Welcome: This newsletter only goes out to clients or existing contacts of MGHR. However, if you know of someone or an organisation who would be interested in becoming a client or who would like a copy of the newsletter, please pass our details on or email Jim with their details and we will be delighted to contact them.**

If you wish to unsubscribe, please reply to this newsletter with 'unsubscribe' in the title, or contact Morlan Gil Human Resources on a **02392 658212** or **01329 519919** or [jim.gilhooley@morlangilhr.co.uk](mailto:jim.gilhooley@morlangilhr.co.uk)

**Morlan Gil Human Resources** is a dedicated human resources consulting company which designs and delivers bespoke human resources solutions. We work with organisations to recruit, manage and retain high performing staff. This includes ensuring recruitment processes are successful and cost effective, that staff perform to the best of their ability and potential, and that any staff issues are dealt with smoothly and with minimum risk to the organisation.