



Complete People Management

Practical, Prompt and Professional HR solutions

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NEWSLETTER – APRIL 2009

At **Complete People Management Ltd** we want you to receive a newsletter that is informative and assists you in dealing with your people matters. If you like the newsletter, tell someone about it. If you don't, please tell us. Your feedback is important to us.

In April's newsletter we cover:

- [Employment Legislation Changes due in April](#)
- [Recent Employment Tribunal outcomes](#)
- [Discipline and Grievance Handling from 6th April](#)
- [Question and Answer](#)



Sue
Schoormans
Managing
Director

Employment Legislation Changes due in April

- Working Time Regulations – increase in holiday entitlements
- Repeal of the Workplace Dispute Resolution Procedures The Employment Act 2008 - Acas Discipline and Grievance Code of Practice
- Extension of the Right to Request Flexible Working
- Extension of right to time off for public duties
- Maternity, Paternity and Adoption Pay increases
- Statutory Sick Pay increases

For more details click here:

http://www.completepeoplemanagement.co.uk/24/?form_16.userid=4&form_16.replyids=4

Quote of the Month

The difference between what we do and what we are capable of doing would suffice to solve most of the world's problems.

Mahatma Gandhi



Recent Employment Tribunal Outcomes

Kelly & Wai Chiu versus GE Healthcare – Inventions in the workplace

Doctors Kelly and Wai Chiu invented a health care product (heart imagining product called Myoview) in their employment with GE Healthcare that generated sales in excess of £1.3bn. The product was patented.

They made a claim under the Patents Act 1977 which states a court may award compensation where a patent is of "outstanding benefit to the employer". The Patents Act 2004 extended this to state an invention in addition to a patent is of outstanding benefit.

This case is the very first where compensation has been awarded despite the law being in effect since 1977.

The doctors were awarded £1.5m for their invention and successful conclusion of the project.

Smith Knight Fay versus McCoy – Dismissal

The EAT held that the phrase "action taken" refers to the act of dismissal and not the decision to dismiss.

Step 1 (letter inviting to a disciplinary meeting) and step 2 (the meeting) can take place after an announcement is made to an employee that s/he will be dismissed so long as the employee has not actually been dismissed at the time.

Note the statutory dismissal procedures cease to exist on the 6th April and thus this ruling will no longer be applicable.



Discipline and Grievance Handling

From the 6th April the ACAS statutory code of practice on discipline and grievance will come into force

The headlines of this are as follows:

- Issues will be sought to be resolved informally and in a more relaxed manner in the first instance. Where issues are not able to be resolved informally in the first instance an independent third party will be sought to help resolve the issue. The third party can be an internal mediator.
- A formal approach will be taken where the informal approach fails to achieve a satisfactory result.
- The code will not apply to dismissals for the reason of redundancy and the non-renewal of fixed term contracts.
- Bullying, harassment and victimisation, whistle blowing matters will be dealt with under a separate procedure.
- Capability can be dealt with under a separate procedure.
- Employment tribunals (ET's) will adjust awards by up to 25% for unreasonable failure to comply with the new code and will reduce any award made to an employee by up to 25% where the employee has unreasonably failed to follow the guidance in the code.

It is important to note that any discipline or grievance matter that is dealt with before the 6th April must continue to be managed as per the current dispute resolution regulations even after this date.

As a result of the changes if you require your discipline and grievance procedures to be reviewed and updated to reflect the changes contact Sue on 0208 8168 726 or at sue@completepeoplemanagement.co.uk for a quotation.



Question and Answer



At **Complete People Management Limited** we want to help you manage your people effectively. If you have a question that you want answered simply ask us. We will not disclose your identity.

What have you got to lose? *It's free!*

Q: Do I need to consult with my employees about the changes to the discipline and grievance procedures due on April the 6th?

A: If the discipline and grievance procedures form part of your employee's terms and conditions of employment you must consult with your employees about the changes.

If the procedures do not form part of the employee's terms and conditions of employment you do not need to consult but you do need to inform.

You will need to issue the new procedures to all employees in order that they are aware of the changes whether you need to consult or inform.

At Complete People Management Ltd we recommend that such procedures do not form part of employees terms and conditions of employment.

The newsletter includes information about employment legislation changes and top tips on an employment subject in a concise format. Further advice must be sought before any subsequent action is taken. The information published is without responsibility on our part for loss occasioned to any person acting or refraining from action as a result of information published herein.

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