



# Complete People Management

Practical, Prompt and Professional HR solutions

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## NEWSLETTER – JUNE 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. We value your feedback.

In June's newsletter we cover:

- Equality Bill
- Recent Employment Tribunal Outcomes
- Social Networking
- Question and Answer



Sue  
Schoormans  
Managing  
Director

## Equality Bill

The Equality Bill is due to come into force by Autumn 2010. The Bill is designed to harmonise the 9 discrimination laws currently in place and to strengthen the law on equality. A number of changes are proposed as follows:

- Private sector employers with over 250 employees to report gender pay gap from 2013
- Public sector employers to report on equality issues
- Ban on employment contracts preventing employees talking about their pay
- Employers will be able to favour under-represented groups in recruitment
- ET's will be given powers to make recommendations to employers to improve work practices

To learn more visit here:

[http://www.equalities.gov.uk/equality\\_bill.aspx](http://www.equalities.gov.uk/equality_bill.aspx)

Need an Equal Opportunities Policy or need your current one updated contact us on 02088168726.

## Quote of the Month

The journey of a thousand miles begins with a single step.

*Lao Tzu*

## Free Products

For a selection of free products visit here:

<http://www.completepeoplemanagement.co.uk/freeproducts>



## Recent Employment Tribunal Outcomes



### Beliefs - T W Nicholson versus Grainger PLC and Others

Nicholson was made redundant by his employer, Grainger plc. He was head of sustainability and had strong philosophical beliefs about climate change and the environment that affected how he lived his life. This included his choice of home, the way he travelled, what he bought, ate and drank, what he did with his waste and also covered his hopes and fears.

He brought claims of unfair dismissal and discrimination on the grounds of religion and belief against his employer.

The ET held that Nicholson's beliefs were capable of being a belief under the Employment Equality (Religion or Belief) Regulations 2003 as they were more than an opinion but a way of life.

This is the first reported case of its kind and could give rise to other such cases e.g. vegetarianism, etc.

### ET Costs – Daleside Nursing Home versus Mrs C Mathew

Mrs C Mathew was found by an EAT to have lied about a racially abusive claim she had made. She had claimed she had been called "a black bitch" by her manager and that she had been underpaid after a change in management.

The ET found that as Mathews had accepted the underpayment of wages for 14 months it was reasonable to assume by the new management that the right rate of pay was being paid.

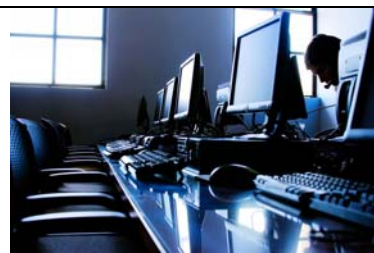
The costs may be about £25000 and relate to Mathew's "deliberate and cynical lie" regarding her claim of racial abuse.

To keep up to date with ET cases visit here:

[http://www.completepeoplemanagement.co.uk/24/?form\\_16.userid=4&form\\_16.replyids=10](http://www.completepeoplemanagement.co.uk/24/?form_16.userid=4&form_16.replyids=10)



# Social Networking



**How much time do your employee's spend during working hours on social networking?**

**How are you managing the associated risks?**

**The use of social networking sites by employees during working time presents employers with many challenges** including:

- Costs related to time wasting
- Reduced productivity
- Legal claims
- Employee privacy matters
- Data Protection rights e.g. monitoring
- Breach of duty of trust and confidence
- Adverse publicity if disciplinary action is taken
- Irreversible damage

Employers are liable for the acts of employees during their employment. This includes blogs written by employees during working time e.g. Twitter, LinkedIn, Facebook, MySpace

**Social Networking does however have it's advantages .....**

- Reduces traffic on email systems
- Reduces costs of telephone calls e.g. long distance

**So what action should employers take to avoid claims, bad publicity, etc?**

- Ensure confidentiality
- Review security policies
- Review harassment policies
- Review Internet and email policies
- Notify employees that they should expect no privacy at work

**If you need a policy to cover social networking or simply need more information on the subject contact Sue on 0208 8168 726 or at [sue@completepeoplemanagement.co.uk](mailto:sue@completepeoplemanagement.co.uk)**



## 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: I have put an employee on garden leave and they have started to work for someone else. Their contract prohibits this. What can I do?**

A: In these circumstances the employee is in breach of contract. The employer may be able to obtain an injunction to prevent the employee working in addition the employer would be entitled to damages. It is important that the employer acts quickly however and considers the costs of an injunction which may be high.

The employee could be disciplined and dismissed as the breach of contract is fundamental. This will of course depend upon how much of the garden leave remains. The employee's pay could also be withheld. The employee may well put in a counter claim against the employer for failure to pay wages which the employer can then counter claim for the employee's original breach of contract.

Note if the contract is silent on working for another employer during garden leave then the above will not apply.

We recommend that you always seek legal advice in such a situation.

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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