



# Complete People Management

Practical, Prompt and Professional HR solutions

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

Tel: 0208 8168 726

## NEWSLETTER – JULY 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 July's newsletter we cover:

- Swine Flu
- Fit Note
- Question and Answer
- ET Facts April 2007 to March 2008



Sue  
Schoormans  
Managing  
Director

## Swine Flu

Swine flu hit the headlines in April and we are being warned that the influenza may well strike harder in the Autumn. So what should we do in the meantime?

Here are some tips.....

- Remind employee's of simple hygiene rules
- Encourage flexible working e.g. home working
- Encourage employee's to learn new skills
- Advice employee's to say away when they are sick
- Send employee's home who report to work sick
- Provide cleaning sets for employees for example, to clean PC's, phones & other equipment daily
- Ask the employee for a return to work note from their doctor before permitting them to return to work
- Conduct the usual return to work interviews

Have you a Swine Flu Policy in place already? If not let us know and we will create one for your company.  
Contact us on 0208 8168 726.

## Quote of the Month

Twenty years from now you will be more disappointed by the things that you didn't do than by the ones you did do. So throw off the bowlines. Sail away from the safe harbour. Catch the trade winds in your sails.

Explore. Dream. Deliver.

*Mark Twain*



## Recent Employment Tribunal Outcomes



### Central & NW London NHS Trust v Abimbola – reinstatement

This case deals with the factors ET's consider in reinstatement cases. The Employment Rights Act 1996 requires an ET to answer the following in such cases:

- Does the applicant wish to be reinstated?
- Can the employer practically comply with an order to reinstate?
- Did the applicant contribute to his/her dismissal and would it be fair to impose the reinstatement?

The mutual trust and confidence between the applicant and the employer must also be considered.

In this case the employer argued that the ET had failed to take into consideration the fact that the applicant was evasive and on one occasion dishonest in giving evidence.

The EAT held that the ET had taken too narrow a view and that the employer could not trust the applicant. The re-instatement order was subsequently disallowed.

### Lemes v Rocket Bar (Mayfair cocktail bar)

Lemes was a Muslim cocktail waitress and refused to wear a tight red dress when she worked at the Rocket Bar in Mayfair. She claimed she had been forced to resign from her job and also claimed discrimination.

The ET found that although some of her claims were "manifestly absurd" they did find that her employer forcing her to wear the dress "violated her dignity". In addition this amounted to sex discrimination when comparing against male counterparts. She was awarded £2919.95 for hurt feelings and loss of earnings after a 25% deduction for her solicitor's failure to set her case out correctly.

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)



## Fit Note



### **By next Spring the current sick note is likely to be replaced by the fit note. What's it all about?**

In short, the fit note is all about a doctor documenting whether in his/her opinion the employee is fit enough to return to work.

It is hoped that the fit note will:

- Encourage employees to stay in work.
- Help employers understand what they can do to get the employee back to work as soon as possible.
- Answer the question "Is the employee really well enough to return to work?"
- Encourage employees to decide when they feel well enough to return to work.
- Focus upon the capability of the employee on return to work as opposed to the incapability of the employee. Focus will be upon the proposed duties the employee can undertake.
- Encourage employers and employees to discuss objectively any adjustments necessary in the employee's work to aid their return to work and to return to full fitness as soon as possible.

Consultations are taking place until August. Further news will follow at this time.

**Need a sickness absence policy?**

**Problems with employees taking period of short term or long terms sickness?**

**Contact us on 0208 8168 726 for assistance.**



## 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!***

**Question: An employee reports to work under the influence of alcohol. They are incapable of working. What do you do?**

**Answer:**

- Send the employee home. Do not allow the employee to drive home.
- Ask another employee to witness the event before sending the employee home.
- Document what you have seen and heard.
- Ask the witness(es) to write statements of what they saw and heard.
- Conduct an investigation on the employee's return to work.
- Decide what if any further action is necessary.
- Do not make assumptions. Based decision on evidence obtained.

### **ET FACTS – April 2007 to March 2008**

- Claims went up by 56,726 on the previous year (same period)
- Unfair dismissal claims were not the largest
- Equal pay claims increased by 42% on the previous year (mainly public sector)
- 81,587 claims were disposed off as opposed to 102,597 in the previous year
- Working Time Directive cases rose by 164% (holiday entitlements were the main claims)

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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