



“Practical simplicity”

Newsletter

Winter 2010

Pet&r

Personnel, Equality, Training and Recruitment

In this issue:

1. Equality Act 2010
2. Case Study – HR Departments, The Future
3. The need for Soft Skills
4. Forthcoming Open Course
5. Snowed under by staff issues?
6. Courses and Services

Equality Act 2010: Employers

This major piece of legislation brings together law for the public, private, and voluntary sectors, affecting employers, service providers, and clubs or associations. You are even covered if you provide free services and ‘employees’ are defined widely.

This act replaces all existing equality law and aims to simplify, standardise, and strengthen the legislation, and provide additional protection. Whilst the act came into force on 1st October 2010, some measures are yet to be brought in (including codes of practice) and some aspects are still up for consultation.

The law covers people with ‘Protected characteristics’. Employees have 9: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex (gender); and sexual orientation.

It provides protection from direct discrimination (i.e. treating someone less favourably than a comparator because of that characteristic); indirect discrimination (where you have a rule or method that has a worse impact on someone with a protected characteristic than someone without it); discrimination arising from a disability (treating a disabled person unfavourably because of something connected to their disability); failure to make reasonable adjustments for disabled people; harassment (unwanted

conduct by fellow workers or third parties that has the purpose or effect of violating dignity, or which is hostile, degrading, humiliating, or offensive to someone with a protected characteristic or in a way that is sexual in nature); victimisation (treating someone unfavourably because they are taking, might take, or are supporting someone taking action under the Equality Act 2010); perception (where someone wrongly thinks you have a protected characteristic); and association with someone with a protected characteristic, such as being the parent or carer of a disabled person.

There are some exceptions in terms of employment, namely objective justification (e.g. asking for 3 years experience because it takes that long to fully learn the job); occupational requirements; to avoid breaking another law (so for example driving instructors must be 21 years old. There are special provisions for pregnant women or those on maternity leave, and proportionate positive action is encouraged as good practice, but is NOT a legal requirement.

In respect of harassment the perception of the victim rather than the motives of the harasser are all important, but there is a clause concerning ‘reasonable expectation’ to avoid over sensitive reactions.

Specific areas of relevance to employment will include the setting of dress codes, where gender, religion, and disability will all need to be considered. In recruitment, it will no longer be possible to issue health questionnaires, prior to engagement. When providing references (which are still optional) you should avoid comments on characteristics, or reference to absences related to a protected characteristic such as disability or religion. There are

some areas of overlap with Employment Law (e.g regarding time off). The burden of proof is on the employer in respect of discrimination, so you will need to be able to objectively justify policies, decisions, and actions.

Employment Tribunals will be able to make recommendations ‘that benefit the wider workforce’ rather than just an individual who complains; and proportionate positive action can be taken for currently or historically disadvantaged groups, that goes beyond the limits that used to be set down. It is clearly set out in the legislation that you can positively discriminate in favour of disabled people only.

In the public sector, consultation has just closed on the single equality duty and reporting requirements. The equality framework for local government (police, fire services, and social housing) is replacing the equality standard. The government is still considering the position with respect to direct combined discrimination where 2 protected characteristics are claimed, positive action in recruitment or promotion, gender pay reporting, and issues of caste.

Things that you should do now:

- Review employment policies and procedures, application forms, and recruitment documentation;
- train staff and managers;
- notify third parties that harassment is not acceptable;
- introduce reporting procedures for harassment / discrimination;
- remove pay secrecy clauses (and think about pay gaps);
- review how well you consult, take positive action, monitor, and make reasonable adjustments.

Contact lynne@petandr.co.uk if you would like our support.

Partners: Peter R. Hammond, BSc (Hons), DipPM, Chartered FCIPD, FITOL and Lynne E Hammond BSc, MA, MInstLM
Tel: 01642 576405 (Answerphone), 07850 678324 (Peter Mobile) 07762 940769 (Lynne Mobile)

Fax: 01642 337562 E-mail: peter@petandr.co.uk
6 Fen Moor Close, Hemlington, Middlesbrough, TS8 9RQ

Web-site: www.petandr.co.uk
Vat Registration Number 847 4167 04



MEMBER OF THE FEDERATION OF SMALL BUSINESSES



HR Departments, The Future

The client was a large local authority in the midlands. One HR team wanted to refresh skills and review procedures, but also needed to develop and refine their operational strategy in anticipation of the cuts expected from the government's Comprehensive Spending Review.

Peter developed a modular programme that combined both elements. Starting with an analysis of the fit between HR strategies, corporate goals, and management practice, we assessed their capacity to contribute to organisational success. We then ran a session on two advanced recruitment tools: Language and Behaviour Profiling, and FIT. After a review of how effectively they use their current selection tests, Peter introduced them to the concept of mental toughness and its use in recruitment, redeployment, and change management. Day one ended with a session to review how they packaged their services, comparing their plans with recent evidence and research into other public sector organisations, and the different ways in which they were approaching service delivery. We looked at shared services and selling to external markets, considering key questions such as 'where is the money?' and 'what can you sell that is wanted?'

On day two we looked at how they measured their service; strategic workforce planning (and its implications for them); the need for employee engagement in challenging times, and how to achieve it; and which other internal and external 'players' they needed to develop relationships with or consider in developing their own strategy. After a short period to review specific procedures on pre-employment checks; the event concluded with a session to consider priorities and identify next steps when they returned to work.

They may not have liked everything we told them, (e.g. the expectation of a 40% reduction in public sector HR jobs by 2014), but they found the realism, sound research base, and practical application very helpful and thought provoking.

The need for Soft Skills

In today's employment environment employers are looking for more and more from prospective employees to act as differentiators between applicants. More qualifications, more skills, more experience, and more flexibility.

There is no doubt that having qualifications enhances employability and promotion prospects, they are recognised validators of knowledge and skills. However, there are a number of other skills and qualities extremely attractive to employers which do not have or necessarily need a qualification to demonstrate them. The Confederation of British Industry (CBI) says it is these employability skills, or soft skills, that employers are now focusing on.

Soft skills include teamwork, negotiation, decision-making and problem-solving skills, assertiveness, stress management, presentation and communication skills, managing conflict within teams and equality and diversity awareness.

For example, good customer service is not just about great product knowledge it is also about empathy and negotiation skills. So employing someone with these additional skills, or developing existing employees in these areas makes good business sense. **Pet&r** have helped numerous clients develop their staff in these areas resulting in real and sustainable change for the better in their people and organisations.

For more information on our wide range of soft skills courses contact lynne@petandr.co.uk

Forthcoming Open Course

Motivating to perform 16th February 2011

- If you don't know the score it is hard to stay interested in the game and without performance feedback it can be difficult to sustain the effort required to contribute effectively at work. This course covers the key principles of motivating people at work including performance management and appraisal systems.

If you would like to know more about our work, please visit the web-site www.petandr.co.uk, or contact lynne@petandr.co.uk

Snowed under by staff issues?

Snow and other travel disruptions lead to a rash of questions about pay and discipline. You need to think about 4 key things: safety; contracts; fairness, and good long term relations with staff; before you start docking pay or issuing warnings, so consider:-

- How dangerous has the journey to work (or being at work) become, for EACH person and how long will it last?
- Check what it says in their contracts about deductions from pay - if you can't open for business, or decide to close early they shouldn't lose pay.
- Make allowances for those with caring responsibilities, but be clear that you expect them to try to find help BEFORE all the snow melts.
- Think about who could work from home and how (You can reimburse expenses later). Alternatively, short time now could be offset by longer working days next week.

Communicating with staff and keeping a note of your decisions are important. Be flexible and consistent, do a risk assessment, and update the company handbook. Common sense doesn't have to be as rare as snow in November.

Courses and Services

HR Consultancy, Research, Advice & Guidance; Recruitment and Selection Testing; Policy & Strategy Development; Management Coaching & Mentoring; IIP Support & Corporate Action Planning.

Leadership, Management, & Supervisory Development; Conflict Resolution, Harassment & Bullying; Customer Care & Interpersonal Skills; Equality & Diversity Training;

Work Team Health Checks and Repair Clinics, Team Toughness, Recruitment Training, Mental Toughness Assessment Interviewing and Selection Testing.

Public Consultation, Social Research, & Event Management. Sustainable Development and Sustainable Lifestyle Training, Volunteer Development, Retained Advisory Service.

ILM and NCFE Accredited courses