

pub HR guide

Autumn/Winter Edition 2008

The definitive guide on all aspects of people management in the pub industry



Welcome and Intro

Welcome to our autumn/winter quarterly mailer

The 1st October is the date a number of key government departments issue their changes to business regulations. This is the second of the annual common commencement dates (CCDs). The other date is 6th April.

This quarterly mailer offers a snapshot of all the main changes that have come into force from 1 October 2008. It is not to be read as the complete and full list of all the new regulations that might affect business.

Employing people

New national minimum wage rates – effective from 1st October 2008

Relevant to - All employers in Great Britain

For pay reference periods beginning on or after 1 October 2008, you will have to pay all eligible workers the following:

£5.73 an hour to adult workers aged 22 and above

£4.77 an hour to workers aged 18-21 - the development rate

£3.53 an hour to workers aged below 18 who are no longer of compulsory school age

The daily accommodation offset

You will be able to offset from the NMW an amount of £4.46 per day for each day that you provide a worker with living accommodation.

Workers eligible for NMW include:

- full-time and part-time workers
- home workers
- casual workers
- agency workers
- people who work on short-term contracts

Pending Legislation

Proposed changes to how the National Minimum Wage is enforced

The Government is proposing changes to the National Minimum Wage (NMW) Act to create a clearer deterrent to non compliance and to provide a fairer way of dealing with arrears of NMW.

The changes are being taken forward in the Employment Bill which is currently going through Parliament. Subject to parliamentary approval, the Government intends the NMW provisions to come into force on 6 April 2009.

Consultation on implementing the recommendations of Imelda Walsh's, HR Director Sainsbury plc, independent review: Amending and extending the right to request flexible working to parents of older children

This consultation follows on from the Government's announcement in May that they would be extending the right to request flexible working to those with parental responsibility for children aged 16 and under. This was the key recommendation of the independent review by Imelda Walsh, HR Director of Sainsbury's. The consultation will also explore ways to make dealing with flexible working requests easier for businesses.

Reminders

Check you are up to date regarding staff holiday entitlement

Under the Working Time Regulations 1998 most workers are entitled to paid holidays or annual leave.

A full-time worker is entitled to holiday from their first day of employment and the entitlement is 4.8 weeks (or 24 days) annually. Pay is based on a normal week's pay. Part-time workers are entitled to the same holidays as full-time workers but this is calculated on a pro rata basis.

This will rise to 5.6 weeks (28 days if you work a five-day week) on 1 April 2009, subject to a maximum statutory entitlement of 28 days.

Employers will need to notify staff in writing of any increase in holiday entitlement through a letter to staff or by a statement on pay slips.

See our guide on holiday pay to calculate your employee's holiday entitlement and download our sample notification letter.

Are you protecting your workers from excessive noise from live or recorded music?

Those businesses in England, Scotland and Wales in which live music is played in the workplace or in which recorded music is played, including restaurants, bars, public houses, discotheques, nightclubs, or alongside live music or a live dramatic or dance performance

From 6 April 2008, the rules that protect workers from exposure to excessive levels of noise at work now apply to the music and entertainment sectors.

This means that employers in the music and entertainment sectors may have to take new steps to prevent or reduce risks to health and safety from exposure to noise at work. The rules also apply to employees and self-employed people.

The Regulations require you as an employer to:

- assess the risks to your employees from noise at work
- take action to reduce noise exposure that produces those risks
- provide your employees with hearing protection if you cannot reduce the noise exposure enough using other methods
- make sure the legal limits on noise exposure are not exceeded
- provide your employees with information instruction and training
- carry out health surveillance where there is a risk to health from noise at work

Under separate environmental rules, you will also have to consider the impact of workplace noise on people who live or work near your business.

Other October 2008 Regulation Changes

Tobacco products manufacturing, retail and wholesale

New rules will require that manufacturers of cigarettes and other smoking products – e.g. hand-rolling tobacco, pipe tobacco and cigars - introduce picture warnings on all tobacco packs. With certain exceptions, manufacturers and importers must ensure that all the products they manufacture or import on or after 1 October 2008 bear picture warnings. Businesses can continue to sell existing stock without picture warnings until 30 September 2009 in the case of cigarette packs, and 2010 for all other tobacco products.

Health, safety, premises

Employers' liability compulsory insurance (ELCI) - two changes will simplify ELCI. For example, although employers will have to continue to display ELCI certificates at each place of business, they will be able to do so electronically if the employees covered by the insurance have reasonable access to electronic copies.

Environment & efficiency

Hazardous chemicals: changes to the Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 -also known as CHIP - will make certain adjustments for classifying, packaging and labelling certain hazardous chemicals. For example, CHIP 3.2 will affect the procedures to use when classifying and labelling chemical preparations containing carcinogens, mutagens or other substances that are considered to be toxic for reproduction.

Business Focus

Each month we focus on one topic related to business and people matters

Taking over a new business?

Under the Transfer of Undertakings (Protection of Employment) Regulations the transferring employer must provide you (the new employer) with a specified set of information. To understand your obligations and to calculate the cost of the transfer you should expect to receive the following information.

- The identity of the employees who will transfer
- The age of those employees
- Information contained in their contracts of employment like:
 - Start dates (length of service)
 - Job Titles
 - Rates of pay including overtime rates etc
 - Other benefits including bonus, travel costs etc
- Information relating to collective agreements
- Instances of any disciplinary, grievance and legal actions in the last two years.

For more information subscribe today and see our guide on TUPE.

Additional Services to our subscribers

We have been working hard to provide additional services for our subscribers.

We can now offer a free online payroll service for up to 10 employees through an arrangement with The Payroll Site Ltd. This means you can complete your payroll online, calculate taxes and NICs and then print off your employee pay slips.

We have also added a section on Health and Safety for our subscribers.

It contains a Health and Safety 'How to Guide' covering every aspect of Health and Safety for the small business operator. This guide has the same easy to use basic layout as our 'HR How to Guides' and is available as a downloadable PDF file.

Accompanying this guide are a range of checklists and Health and Safety Record Forms for you to use when administering this topic in your business. These are available as downloadable ready to use template documents and checklists.

Frequently asked Questions

Each quarter we share some of the commonly asked questions we receive from our subscribers and share the answers. We hope you find these interesting.

Must employers give employees a written statement of employment particulars within two months of their starting work?

Even if you do not issue a written contract, you are under a legal duty to provide most employees with a written statement of main employment particulars within two months of the start of their employment with you. The written statement is not itself the contract but it can provide evidence of the terms and conditions of employment between you and the employee if there is a dispute later on.

The written statement must include a number of key pieces of information such as:

- your business' name and the name of the employee
- the date when the employment began
- salary and when it is to be paid, e.g. weekly or monthly
- hours of work and holiday entitlement
- entitlement to sick leave and sick pay
- pensions and pension schemes
- the entitlement of employer and employee to notice of termination
- disciplinary and grievance procedures

Download our model contract of employment and additional contract clauses to create your employee contract of employment.

Must I check the eligibility of all new staff to live and work in the UK?

Some people are automatically entitled to work in the UK. Others may have restrictions on how long they can stay, whether they can work or the type of work that they can do.

It is a criminal offence to employ anyone who doesn't have permission to work in the UK or to do the type of work that you're offering. The maximum penalty is currently £5,000 per illegal employee on summary conviction in a magistrate's court. However, there is no upper limit to the fine imposed by a Crown Court following indictment.

There are a number of different documents that you can check to prove a new recruit's eligibility to work.

For more detail see our guide on employing foreign workers

Must I provide my employees with itemised pay statements?

As an employer you are legally obliged to give each employee a written itemised pay statement, usually known as a payslip or wage slip. You must issue it at, or before, the time you pay your employee. The itemised pay statement must show:

- the gross amount of the wages or salary before deductions
- the amounts of - and reasons for - any fixed deductions that you make every pay period and any variable deductions that are not the same every pay period
- the net amount of wages or salary payable after deductions
- a breakdown of each part-payment - such as part by cheque, part in cash
- The pay statement does not have to include the amount and purpose of every separate fixed deduction every time, but if you don't issue a payslip that does this, you must give the employee a standing statement of fixed deductions at least every 12 months.

Provide itemised pay statements when you subscribe to our online HR service today.

For detailed answers to these questions subscribe to www.pub-hr.co.uk

New News

Coming Soon

We will shortly be producing a HR How to Guide on Competency Based Interviewing.

This informative guide covers every aspect of competency based interviewing from:

- Interview planning
- Identify key competencies by job role
- Interviewing skills including Question technique, Listening skills and evidence gathering to reach that all important decision
- This is free to those already subscribing to our hr service.

If you are interested in subscribing please contact enquiries@pub-hr.co.uk

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