

HR Spectrum Quarterly Newsletter 2014



Welsh HR Market Update

Interestingly, I have found, even in the last 8 months, there have been positive changes in the Welsh HR market place:

- Business partners are once again being discussed as a specialist way forward
- Business confidence has turned the corner with a noticeable increase in permanent vacancies particularly in the £32K to £42K range. Senior roles up to £65K have arisen predominantly in Further and Higher Education as well as Housing Associations but there has also been a couple of excellent senior opportunities c£65K in manufacturing
- Recent acquisitions have been a positive force in creating more HR positions

Funded initiatives for Employers... are you making the most of funding available to you?

The first among several initiatives I have recently come across and believe could be of interest to you is a fully funded project called TILT – Training in Languages and Translation - run by Swansea and Bangor Universities. It's a scheme to up skill your staff in languages or Translation so they are able to maximise your business potential in the global economy.

The courses aim to improve language skills in Welsh, French, Spanish, German and Mandarin Chinese. For commercial businesses large and small based in North and West Wales, Swansea and the Valleys area, they offer short programmes funded by the EU Convergence European Social Fund through the Welsh Government. Just some of the facts they told me are:

- English as a trade language is fine for buying products but often not sufficient to export products
- 62% of UK businesses regard lack of language skills as a barrier to expand into the global economy
- Poor language skills cost the UK £48bn a year (3.5% GDP)



Senior Specialist HR Recruitment

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Another fully funded scheme for employers is one offered by Cardiff and Vale College...

— One of the country's largest colleges, and is available to businesses to up skill their employees in ICT, Communication/English and Maths. Further information on obtaining this training can be obtained by contacting - IMcNeil-Jones@cavc.ac.uk

Developing Welsh talent for tomorrow's future

The University of South Wales is developing an innovative employability award, the GradEdge Award, as part of the fully-funded Skills and Employability Action Plan. To achieve the award, students complete a range of e-learning and self-assessment activities followed by a period of workplace experience with a view to acquiring the skills and attributes needed to launch a successful career after graduation. Employers from a wide range of organisations, industries and sectors are invited to provide feedback on the type of practical experience that is a "must-have" when they hire graduate talent. If you are an employer who would be interested in working with the University of South Wales to help provide feedback on the competencies needed in the workplace to develop tomorrow's top talent, please get in touch with Kate Czyrko, Employability Officer on 01633 435292 or kate.czyrko@southwales.ac.uk

The Psychological Contract and Change

I recently met with Lynne Hardman, CEO from Working Transitions, one of the UK's leading transition specialist organisations, who was quoted as saying there is more to an employer's relationship with their employee than their legal contract. The psychological contract, an informal agreement which frames the unwritten expectations both parties have of one another with regard to notions of fairness, trust and mutual respect, plays an ever-increasingly important role.

At one time, the psychological contract primarily surrounded the expectation that, in exchange for their commitment to an organisation, the employee would be rewarded with a job for life. Changing working practices, resulting from increased market competition, legislative and financial pressures, and the need to be more efficient and agile, has created a need for organisations to have employees who are flexible and willing to develop new skills and adapt to change.

How well employees are able and/or willing to adapt to change, and therefore how successful is an organisation's implementation of change, is governed largely by the health of the psychological contract. A successful organisation needs employees who are engaged and motivated. The more engaged an employee and the more aware they are of their ability and contribution to an organisation, the better they will be able to cope with change.

So, what can an organisation do to ensure they have effective psychological contracts with their employees and so create a workforce that is engaged, motivated, flexible, and able to cope with change?

- Communicate clearly and openly
- Consult
- Create two-way communication channels
- Manage expectations
- Implement performance management systems
- Measure employee attitudes

Extracted, with permission, from Working Transitions' blog post, 'The Psychological Contract and Change'. To read more go to www.workingtransitions.com

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Employment Law updates and Upcoming changes with acknowledgement and thanks to Hugh James

- Beginning with the financial changes, we saw the annual rise to compensation limits for claims in ET
- From 6th April 2014, the limit on a week's pay for calculating the basic award for unfair dismissal increased to £464
- The maximum awards for unfair dismissal increased: the basic award increasing to £13,920 and the compensatory award increasing to £76,574
- Since April 2014 a more complex formula for calculating the cap has applied; since this date the cap on the compensatory award has changed to 12 months pay or £76,574 – whichever is the lower
- There has been an increase in Family Payments from £136.78 to £138.18; and SSP from £86.70 to £87.55
- From 6 April 2014 the government is abolishing the statutory discrimination and equal pay questionnaire procedure set out in section 138 of the Equality Act 2010. In its place, ACAS has produced non-statutory guidance addressing how individuals should ask questions regarding discrimination and equal pay and how employers should respond
- The government decided to impose a duty on the parties and Acas to attempt early conciliation (EC) of most employment disputes (relevant proceedings) before a tribunal claim can be issued. From 6 April 2014, the new system of EC will be available. However, this system is optional for the first month, only becoming mandatory from the 6 May 2014
- The ERRA 2013 also gives tribunals the discretionary power to order an employer, who has lost at tribunal, to pay a financial penalty to the Secretary of State, where the case has "aggravating features". The provision will apply to those claims presented on or after 6 April 2014
- From 30th June 2014 the right to request flexible working will be extended to ALL employees with the relevant 26 weeks qualifying service, rather than those who fell into one of two previous qualifying categories of either being a parent, or carer
- From the 8th March 2013 The Parental Leave (EU Directive) Regulations 2013 extends qualifying employees' entitlement to unpaid parental leave from 13 weeks to 18 weeks per child, up to the age of 5, or 18 for disabled children, or before the fifth anniversary of the date of placement in the case of an adopted child

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Children and Families Act 2014

- The Children and Families Act 2014, which will come into force in April 2015 introduces a new system, of “shared parental leave” for eligible employees and agency workers. This shouldn’t be mistaken for unpaid parental leave and whilst they sound similar, remain unrelated
- The new statutory scheme effectively allows parents to share the statutory maternity leave, and pay, that is currently available only to mothers (and adoptive parents to share the adoption leave and pay currently only available to the primary adopter). It will be up to the employees to propose the pattern of leave they wish to take and discuss this with their individual employers
- The Act also amends statutory adoption pay and makes it a “day one” right with no qualifying conditions for eligible adopters who are matched with a child. Statutory adoption pay will be enhanced to 90% of the primary adopter’s salary for the first six weeks of the leave period, to bring it in line with SMP
- Other changes implemented by the Children and Families Act 2014 include the right of eligible employees to take unpaid time off work to attend up to two ante-natal appointments (up to a maximum of six and a half hours for each appointment)
- These rights will come into force on the 1st October 2014 and failure to adhere to these could result in the employee making a complaint to the employment tribunal that they were unreasonably refused time off. If successful the remedy is compensation amounting to twice the hourly salary for each hour for which they would have been absent



TUPE Regulations 2006 (SI 2006/246) (The Transfer of Undertakings Protection of Employment)

- The Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (SI 2014/16) (2014 amendment regulations) came into effect on the 31 January 2014. This legislation was created following a consultation period on the TUPE Regulations
- The 2014 amendment regulations were designed to improve TUPE effectiveness and flexibility, as well as ensuring its wording is more closely aligned to the Acquired Rights Directive (2001/23/EC). It implements changes on TUPE effective from January 2014, May 2014 and July 2014



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Other / miscellaneous

- Surrogacy - The European Court of Justice ('ECJ') handed down two important decisions on the issue of surrogate mothers and their right to maternity leave. In the cases of C.D. v S.T. (UK) and Z v A Government Department (Ireland) The ECJ ruled that the right to maternity leave did not extend to an intended mother under a surrogacy agreement, regardless of whether she may be breastfeeding. The ECJ furthermore ruled that refusal to grant leave on these grounds did not amount to discrimination.
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Points to Ponder ...

Opportunity Now's Project 28-40 Report, quoted in HR Magazine, looked at all aspects of work for 23,000 women and 2,000 men between the age of 28 and 40, the crucial stage in their careers and found that -

- 93% women believe that having caring responsibilities is hard to combine with a successful career
- 33% women work flexibly compared to 14% men
- 76% women feel anxious about the impact having children will have on their career
- 64% women feel people who work flexibly are less likely to progress at the same rate as their peers
- 55% women feel people who work flexibly are regarded as less committed to their job

If you have any thoughts, ideas and / or information to pass on to the HR community via my next newsletter then please don't hesitate to contact me.