

PAY & EMPLOYMENT RIGHTS NEWSLETTER

AUTUMN 2006

PERS (Yorkshire)
Pay & Employment Rights Service

Like many companies and charities, PERS has been preparing its annual report and audited accounts, and looking back at what its done over the past year. It's been a hectic time.

Our main areas of activity are the provision of advice through telephone helpline, delivery of training, development of training materials, support for people working at home, research, and promotion of good practice.

In 2005/6 PERS has worked with over 300 companies, offering training or advice, through a range of projects in partnership with Joseph Priestley College, Kirklees Worklink, West Yorkshire Local Development Agency, Bradford Council for Voluntary Services, and Kirklees Equal. This has included "contract consultancies" – visits to workplaces to do an "employment health check"; a major conference on employing disabled people; training for trainers; e-mailings to over 800 firms on employment law; and involvement in consultation of future employment legislation.

PERS has also supported over 1000 individuals who had concerns or questions about their employment situation. This has included advocacy and advice work, developing and distributing information packs, prolonged casework for people facing redundancy or seeking to go to Industrial Tribunal, and mediation.

PERS has continued to pilot and develop support for Home Workers, and was successful in 2005/6 in establishing a new programme with support from the European Social Fund, the Church Urban Fund, and Batley SureStart. This will include a major assessment and write-up to disseminate the project in 2006/7.

PERS' popular information packs have been updated and converted to CD format.

PERS continues to play a role in shaping local and regional policy through participation in a number of fora, including WYLDA, Equal, WYIIP, WANT, and MYCCI. PERS has had formal or informal contact with nine local authorities, and has worked with WorkLink, Learning Skills Council, and several NHS primary care trusts.

Ian Watson

PERS MEMBERSHIP

Why not become a member and support the valuable work done by PERS? You get a full set of leaflets free when you join, access to our advice line, and you benefit from 10% discount on our training courses. Individual membership is free, organisations pay a small charge. Membership of PERS runs from January to December. If you already are a member of PERS please ensure that you have paid your subscription for the current year.

DISCRIMINATION ON GROUNDS OF RELIGION AND BELIEF

by Nazia Chopdat

Discrimination on the grounds of religion/belief has now been unlawful for 2 and a half years.

It is unlawful to discriminate against an **employee**. The regulations also cover those in vocational training and many others.(please see www.pers.org.uk for our Religion & Belief leaflet for full list of whom the legislation protects).

Religion or belief is taken to mean any religion, religious belief or similar philosophical belief. The regulations do not cover discrimination on the grounds of belief not akin to religion or similar philosophical belief such as party allegiance/political conviction or fanatical support of a sporting team.

An early case said that an employee's devotion to his country, the USA, was not covered.

However humanism, atheism or agnosticism will probably be included, as they would be covered under the phrase 'or similar philosophical belief'.

The rules also ban discrimination on the grounds of perceived as well as actual belief, that is, assuming correctly or incorrectly, that someone has a particular religion or belief.

For example, A person is discriminated against because his employers thought he was Jewish, even though he is not.

Association is also covered, that is, being discriminated against on grounds of the religions or belief of those with whom you associate.

For example, A man is discriminated against because his father is a Jehovah's Witness.

The regulations cover 'direct discrimination', 'indirect discrimination', 'victimisation' and 'harassment'.

Direct discrimination' means treating people less favourably because of their religion or belief, e.g refusing to employ someone because he is a Hindu.

'Indirect discrimination' means applying a requirement which may disadvantage a person because of their religion or belief. For instance, a rule that prevented all employees wearing hats or headscarves would indirectly discriminate against a Muslim woman who wears a head covering (hijab).

'Victimisation' occurs when a person is treated less fairly because they have complained about discrimination or have given evidence in a discrimination claim. This could be on their own, or someone else's behalf, e.g. where John is penalised for complaining about harassment suffered by Manjit

Harassment' covers bullying and/or the creation of an unacceptable working environment. It is when a person's dignity has been violated or when they have been subjected to an intimidating, humiliating or offensive environment. The perception of the employee who has been or is being harassed is important. No intention to harass is required, and harassment can include what might be regarded by some as relatively trivial acts, if it is made known by the recipient that the acts are unwelcome.

Discrimination is unlawful in the recruitment process, during employment and/or training and even after employment has ended.

PERS

Training in 2006

PERS provides a range of free and affordable services to individuals and employers in West Yorkshire. Our courses are aimed at people employing staff, especially in voluntary sector organisations. We can also provide 'tailor-made' training courses. Please contact Ros Campbell (campbell@pers.org.uk) for further details.

AGE DISCRIMINATION

New legislation from October 2006 will make it illegal to discriminate on the grounds of age. This will have far reaching consequences and a fundamental impact on how employers treat all their staff, young or old. This course examines the outline of the law; the way it will be implemented; the impact on issues such as unfair dismissal and redundancy; and some potential pitfalls and loopholes. A must for all managers wanting to get a head start on these important issues.

Leeds Church Institute.
Leeds, West Yorkshire
Tuesday 19th September
10.00 - 16.00

VA Calderdale, Halifax
Tuesday 17th October
10.00– 16.00

MANAGING STAFF PERFORMANCE

This course will examine the best ways to motivate, supervise and support staff, mainly through effective supervision and appraisal policies. It will look at ways of encouraging good practice and also at ways of dealing with performance which falls below acceptable expectations. We will describe different models of appraisal and provide model policies which you may adapt for your own organisation.

MIND, Dewsbury
West Yorkshire,
Tuesday 3rd October 2006
10.00 - 16.00

DEVELOPING EFFECTIVE EMPLOYMENT POLICIES

Developing effective, workable employment policies is vital in ensuring that your organisation is following best practice. They are also a powerful protection against common workplace problems, including expensive employment litigation. In this course we will discuss which policies you need and why, look at the legal and practical basis and give you time to begin developing at least one policy for your own organisation. This course is supported by a comprehensive pack of model policies produced by PERS

NCC, Huddersfield,
West Yorkshire
Tuesday 7th November 2006
10.00 – 16.00

HANDLING DISPUTES IN THE WORKPLACE

Disagreements in the workplace are unpleasant, demotivating and can adversely affect service delivery. They can also lead to expensive and time-consuming litigation. Although disputes are bound to arise from time to time, this course will help you approach conflicts consistently and with the minimum of fall-out. In particular, you will learn about the statutory dismissal and grievance procedures and how you can build on these to ensure that disputes are handled lawfully and fairly.

MIND, Dewsbury,
West Yorkshire
Tuesday 21st November
10.00— 16.00



MAKING EQUALITY & DIVERSITY A REALITY AT WORK

Organisations need to promote equality and diversity in their staff team in order to provide an accessible and effective service and to avoid expensive litigation. In this course we will focus on discrimination law as it applies to discrimination on the grounds of gender, pregnancy, and race as well as raising awareness of the new measures in disability discrimination law and the newer grounds of discrimination on grounds of sexuality, religion and belief, and age. It will address the "less favourable treatment" regulations regarding part time and temporary staff and consider how best to develop an effective Equality and Diversity policy for your organisation.

Leeds Church Institute,
Leeds, West Yorkshire
Tuesday 5th December
10.00 - 16.00

COMBATING DISABILITY DISCRIMINATION AT WORK

The Disability Discrimination Act was extended and revised in October 2004. This Course will examine new and existing legislation and how it has been developed by case law. We will discuss how the legislation impacts on a range of your workplace policies and practices and how you can implement both the letter and spirit of the new legislation to increase the diversity and effectiveness of your own staff.

Lightwaves, Wakefield
West Yorkshire,
Tuesday 12th December
10.00 - 16.00

KEEPING IT LEGAL - EMPLOYMENT LAW AND GOOD PRACTICE FOR EMPLOYERS

An understanding of the fundamental rights of employees and the obligations these place on both employers and employees is essential to the effective management of any workplace. In this course we will examine the rights and responsibilities given to both employers and employees by law and by contract and how these fundamental rights might be improved upon to benefit your organisation. There will be ample time for participants to ask questions relevant to their own organisation.

VA Calderdale, Halifax
Tuesday 9th January 2007
10.00– 16.00

THE BUCK STOPS HERE - TRUSTEE RESPONSIBILITIES

Trustees of voluntary and community organisations are often high in commitment and goodwill but may be less aware of their legal responsibilities for employing staff and managing budgets and property. This course will outline the duties of trustees and will inform them about how to meet their obligations whilst offering reassurance by letting them know where to go for help if difficulties arise.

Bradford CVS, Bradford,
West Yorkshire
Tuesday 23rd January 2007
10.00– 16.00



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PERS is supported by Leeds City Council to provide specialist employment advice and support for the Leeds Voluntary Sector. Please call us or visit our website to see how we can help your project.

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