

Employment

August 2009

Hello and welcome to this month's D&W Vox, our regular podcast keeping you up to date with news and views in HR and employment law.

In our August Vox we take a look at:

- **A new bank holiday**
- **Employee crime on the increase**
- **The latest developments on the Agency Workers Directive**
- **And sitting it out: The new Dambusters**

[A new bank holiday?](#)

Last month the Work and Pensions Secretary Yvette Cooper announced plans to commemorate people who have been killed at work which may result in a new bank holiday around the 28th of April each year. Workers Memorial Day is already recognised by several countries including the USA and Spain, and unions in the UK have been campaigning for the day to be recognised here. The aim is to remember as well as to encourage people to think about safety in the workplace. Although the UK has one of the best records in the world for workplace health and safety, 180 people were killed at work last year and many more people die from work related illnesses. Not surprisingly the plans have been resisted by employers. Yet a comparison with our European neighbours reveals that England's 8 public holidays, Scotland's 9, is light in comparison with the likes of Spain and Portugal who both have 12 and Italy which has a generous 14 days.

[Employee crime on the increase](#)

It seems that this recession is bringing out the worst in some of us. In our February Vox we reported that the theft of confidential data was set to rise as unhappy redundant employees were taking more than their redundancy pay. Police figures now show that the number of crimes carried out by employees has increased and again the recession is likely to be to blame. Nearly 1,000 workplace crimes were carried out every day last year. The total number of offences, - over 320,000 is the highest number of offences recorded in the last decade, with an increase in theft from the workplace of 10%. Another survey conducted by Powerchex, an employee screening company, found that there had also been an increase in the number of CVs containing lies in them.

[What's next for Agency Workers](#)

On 31st of July the government's consultation on the UK's implementation of the Agency Workers Directive came to a close. Once the government has considered the consultation responses, the next document they publish should give us a reasonably clear indication of what the final regulations will look like. It is unlikely that anything will happen in this parliamentary session, since the UK does not need to implement the Directive until the end of 2011. The Directive only gives agency workers equal treatment in relation to basic rights such as pay and holidays. Even then, these rights will not apply in the UK until an individual has worked for the hiring employer for 12 weeks.

The consultation document also sought views on the scope of what has been termed "day one" rights which include access to workplace facilities such as crèches and the right to be notified of job vacancies. According to the Government's own impact assessment, employers who use agency staff should expect a 10% increase in the cost of employing temps once the regulations come into force. The fact that the hiring employer will be obliged to provide fair and accurate information outlining comparator's pay scales is also likely to lead to more paperwork and less flexibility. Under the current proposals if the hiring employer fails to provide incomplete or inaccurate information they may end up being liable for a breach of the regulations. We will update you again when the Government publish their response to the consultation.

Dambusters with a difference

And finally do you ever glance longingly at the recruitment pages? A recent CIPD survey revealed that 75% of respondents are holding back from moving on to a new job, with 64% saying it's because of the recession. According to the CIPD research report, employee dissatisfaction is piling up with the force of a dam which will burst once the recession is over. Job security is a major concern in a recession, with people preferring to sit tight and wait it out until the economy picks up again. Moving to a new role can mean loss of employment protection rights including more generous notice provisions and redundancy payments. The report warns that once the recession is over the recruitment market is going to explode. Employers who overlook employee engagement in these difficult times may pay the price more than others.

And that's all for this month's Vox.

This Vox is correct to the best of our knowledge and belief at the time of going to press in August 2009. It is meant to be a general guide so it is recommended that specific professional advice is sought before any action is taken.

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