

# CONTENTS

## Introduction 1

### 01 Recruiting Staff 7

- Deciding whether to recruit 7
- Preparing a job description 8
- Preparing a person specification 11
- Role profiles 13
- How to recruit 13
- E-recruitment 18
- Interviewing 20
- Other selection methods 24
- Avoiding discrimination in selection 27
- Making a job offer 29
- Rejecting candidates 37
- Special cases 38
- Employment of Croatian nationals 42

### 02 Writing Employment Contracts 45

- Deciding whether someone is an employee 45
- The contract of employment 46
- Specific contractual clauses 52
- Types of contract 55
- Amending contracts 58

### 03 Paying Staff 71

- Deciding how much to pay 71
- Job evaluation 73
- The job evaluation process 79
- How pay is made up 84
- Bonuses 87
- The National Minimum Wage 87
- Guarantee payments 88
- Director's Remuneration Report Regulations 2002 88
- Deductions from pay 89
- Itemized pay statement 90

- 04 Employee Benefits 93**
- Pensions auto-enrolment 95
  - Shares and share options 97
  - Cars 98
  - Flexible benefits 98
  - Taxation of benefits 100
- 05 Performance Management 103**
- The importance of managing performance 103
  - The performance management process 103
  - Training and development 115
- 06 Dealing with Absence 133**
- Planned absences 133
  - Reducing unplanned absences 135
  - Pay during absence 141
  - Dealing with persistent absence 144
  - Company health check 146
- 07 Maternity and Paternity Rights 149**
- Time off for antenatal care 149
  - Medical suspension during pregnancy 149
  - Maternity leave 150
  - Statutory maternity pay 154
  - Paternity leave 158
  - Statutory paternity pay 158
  - Shared Parental Leave 158
  - Shared Parental Pay 159
  - Notification of Shared Parental Leave and pay 159
  - Adoption leave 160
  - Statutory adoption pay 160
- 08 Working Hours and Holidays 161**
- Working Time Regulations 1998 161
  - Annual holidays 166
  - Parental leave 166
  - Sunday working 166
  - Employment of schoolchildren 167
  - Flexible working arrangements 167
- 09 Writing a Staff Handbook 175**
- Welcome to the company 176
  - Background information 176

Terms and conditions of employment	177
Disciplinary procedure	180
Grievance procedure	181
Confidential information	181
Intellectual property	182
Restrictions during and after employment	182
Company property	184
Gifts	184
Equal opportunities policy	184
Health and safety policy	185
Smoking at work	186
Harassment policy	186
Modern Slavery Act 2015	188
Other matters	188

## **10 Personnel Records and Data Protection 189**

Personnel records	189
Data protection	190
Monitoring of e-mails and telephone calls	195

## **11 Handling Organizational Change 199**

Changes in responsibilities	199
Changes to processes and procedures	200
Obtaining commitment to change	201
Relocation	202
Business transfers	203

## **12 Handling Disciplinary Issues 207**

Disciplinary rules	207
Disciplinary procedure	209
Conducting a disciplinary hearing	217
Taking disciplinary action	220
Specific disciplinary situations	223
Appeals against disciplinary action	226

## **13 Dealing with Grievances 229**

Grievance procedure	229
Handling a grievance	231
Bullying and harassment	231
Appeals against grading	233
Mediation	233

- 14 Terminating Employment 235**
- Meaning of dismissal 235
  - Dismissal with notice 235
  - Enterprise Act 2016 237
  - Termination without notice 238
  - Written reason for dismissal 238
  - Date of termination of employment 238
  - Avoiding unfair dismissal 239
  - Wrongful dismissal 242
  - Constructive dismissal 242
  - Types of dismissal 242
  - Giving references 257
  - Exit interviews 258
- 15 Dealing with Tribunal Cases 261**
- The role of employment tribunals 262
  - How to defend a claim 262
  - Compensation for unfair dismissal 264
  - Unreasonable behaviour 264
  - Reconsideration of a tribunal's decision 264
- 16 Ensuring the Health, Safety and Welfare of Employees 267**
- General responsibility 267
  - Enforcement of the Health and Safety at Work, etc Act 1974 268
  - Safety committees 269
  - Management of health and safety 271
  - First aid 271
  - Provision of sanitary facilities 271
  - Reporting of injuries, diseases and dangerous occurrences 272
  - Health and safety policy 272
  - Health and safety regulations 274
- 17 Working with Trade Unions 277**
- The role of a trade union 277
  - Recognizing a trade union 277
  - Employees' union rights 281
  - Local trade union representatives or shop stewards 282
  - Providing information to trade unions 283
  - The Information and Consultation Regulations 2004 284
  - Handling disputes 284
  - Trade Union Act 2016 287

*Index* 289