

JCV Consulting **People, Health & Safety Matters** Update July 2010

People News Items:

- ☉ Data Protection
- ☉ Equality Act
- ☉ Fake Fit Notes
- ☉ Flexible Working
- ☉ National Minimum Wage increase
- ☉ Pensions
- ☉ Volunteer Workers

Health & Safety News Items:

- ☉ Computer Keyboards
- ☉ Eye Tests



Data Protection

Sanctions for non compliance with data protection legislation got a lot tougher on 6th April 2010. Serious personal data breaches could lead to fines of up to £500,000 where the breach is deliberate or negligent and likely to cause substantial damage or distress to individuals. The fines will be imposed directly from the Information Commissioner's Office (ICO). Full guidance was issued by the ICO in January 2010. Examples of incidents likely to incur these hefty fines are failing to take adequate security measures such as encrypting data and the reliability of staff accessing personal data. Data on portable devices are particular targets. So if you do not know how many laptops you lose each year you may have difficulty explaining yourself to the ICO. Last year 4500 memory sticks were found people's pockets after they had taken their clothes to the dry cleaners. Now that sort of forgetfulness could be very expensive for you.



Action Point: Review your Data Protection policies, procedures and security measures.

Equality Act- will it become law or won't it?

The Equality Act is due to become law in October 2010. It brings together all the discrimination legislations into one Act. It is particularly designed to force employers to look at equal pay and to get rid of the average 22% pay gap between the genders. It bans the use of pay secrecy clauses in employment contracts. It will also curb the use of pre-employment health questionnaires. Positive discrimination during recruitment is also allowed. So where an employer is faced with equally qualified candidates it would be able to favour the disadvantaged group. There has been a lot of adverse criticism of the Act mainly due to cost increases for employers. There is speculation that the new Government may not implement this Act in its current format and the implementation date may be delayed. We will keep you update as more information becomes available.



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Action Point: There is an 'easy read' document called *The Equality Act*, making equality real that you can download from the Equalities Office- www.equalities.gov.uk. If you have over 250 employees or are in the public sector you should download this now.

Fit Notes

The ingenuity of people to commit fraud never ceases to amaze. No sooner have the new fit notes started to be issued than fake ones are for sale. There is a website www.doctorsnotestore.com that sell the fakes. The owners claim they are for novelty use only and yet they boast that they are exact replicas. Solicitors say they look like the real thing. They cost £9.99.

All the employee has to do is provide their name, address, supposed medical condition, first and last day of sickness, GP's details and the date of their appointment. They are then sent a 'stamped' fit note to hand to their employer.

The owners of the website are not breaking the law. If the employee submits one of these fake fit notes it can be considered Gross Misconduct and they could be prosecuted by the NHS Counter Fraud Service if the employer reports it.



Action Point: Carefully check any fit note presented to you and if in doubt get permission from the employee to check it out with their GP.

Volunteers

We know that some of you have been tempted in the past to provide unpaid 'work experience' to graduates during college/university holidays or just after they have graduated. We have always advised you that the situation is risky as technically they can be classed as a worker and have employment rights. If they come in for just one day you can probably get away with it. But.....the more work they do the greater the risk to you. What are the risks? They are:

- Breach of the national minimum wage act
- Statutory holiday rights and all other statutory rights given to a worker
- Tax and NIC fraud.



Action Point: Give any work experience graduate a contract and pay them if they are doing proper work. Call me **01202 848129** and I will help you with the contract.

National Minimum Wage Rise

Rates from 1st October 2010 are:

Workers aged over 21	£5.93 per hr
18- 20 year olds	£4.92 per hr
16-17 year olds	£3.64 per hr

Health – Eye Tests

From 2011 employers will have to pay for eye tests for some drivers. Full details aren't available yet. It is expected to apply to anyone who drives a larger commercial vehicle and regular eyes tests will be mandatory. Its all to do with new driver licence rules being implemented in 2013. This will ensure that a driver's licence remains valid if they moved to another EU state.

We'll keep you posted!

Health – Computer Keyboards

It has been known for some time that our computer keyboards are the dirtiest things in the office. But did you know they provide a snack bowl for mice and rats!

The HSE have filmed a variety of offices and shown that the furry rodents love all the crumbs, crisps etc that fall down between the keys when we eat at our desk. We will leave it to your imagination as to what they do over it after they have eaten their snacks.



Action Point: Ban eating at the desk, make sure people clean their keyboards and their hands regularly, have active pest control measures.



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JCV Consulting News

Terry is now NEBOSH qualified. He missed a distinction pass by 3 marks. He will be undertaking the NEBOSH Fire Risk Assessment certificate in October. This is new course and few people are qualified to undertake fire risk assessments now that the Fire Brigade are not allowed to do it. So it is something he will be able to do for you.



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