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3HR Legal Weekly

Employment

Zero Hours Contracts

You may have noticed that zero-hours contracts have received a lot of press coverage recently. Zero-hours contracts are an agreement between employers and workers/employees where there is no set minimum number of hours. Therefore, quite often, employers will only contact the individuals to request them to work when the business needs extra staff.

The reason why this issue has received a lot of attention in the news is because some zero-hours contracts have an exclusivity clause. This prevents the individual from working for anyone else while at the same time the employer has no work to offer or is not able to guarantee any numbers of hours. This is seen as unfair and various unions have argued that this type of clause exploits zero-hours contractors. Businesses like using exclusivity clauses as it is then likely the individual will be available for work immediately when the business requires extra staff and it reduces the chance of individuals sharing any confidential information with other companies.

On 26 May 2015, the government acted to outlaw the use of exclusivity clauses in zero-hours contracts. This means employers cannot any longer prevent individuals that are on a zero-hours contract from working for someone else. As a result, if your business requires more staff at short notice, your zero-hours contractors may be working for someone else. Exclusivity clauses are now unenforceable!

The regulations are also proposing to extend the exclusivity ban to employment and worker contracts which guarantee a low income. Currently the low income threshold is to be decided, but this ban is one to watch out for!

At present, it is strongly recommended that businesses review their zero-hours contracts to ensure they are legally compliant; should you require assistance in this please do not hesitate to contact us.

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Immigration

Certificates of Sponsorship

Q. How do I know if I have enough Certificates of Sponsorship to be able to sponsor either a new migrant or an existing migrant extending their stay in the UK?

A. It is essential to have a Certificate of Sponsorship ("CoS") available in order for a migrant worker to apply for either entry clearance or an extension of their existing leave for the UK. For Intra-Company Transfer migrants (and certain types of Tier 2 (General) migrants) the company will be given a certain number of CoS each year that they can use to assign to migrants for these purposes.

To check how many you have available at any time, you simply need to log into the Sponsorship Management System ("SMS") and go to the Licence Summary page. In April each year, any unused CoS will expire and you will be given a new batch for the following year – either based on an amount that you request, or automatically given to you by the Home Office based on how many you used last year.

If you find that you need more during the year than you were initially given then you will need to make a request to the Home Office for additional CoS. There is no cost associated with this and no documentation is required to be submitted to the Home Office, just an electronic submission (via the SMS) with a short explanation of how many you need and why. However, do be warned that it can take a number of weeks for the Home Office to process such a request. Companies are therefore strongly advised to check how many CoS they have available as soon as they are aware that they might need one. This is so that if necessary a request for additional CoS can be made as early as possible, so as to minimise any disruption and delay that might otherwise be caused.

3HR can assist companies by acting as a Level 1 User and so being able to advise you on how many CoS you have at any time and also making requests for additional and yearly allocations, as required.

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HR

Psychometric Testing

If you are finding it difficult to recruit the right people for your organisation it may be time to add a new stage to your recruitment process in the form of a psychological test. Typically, these will measure individual differences in ability, aptitude, intelligence or personality.

With a personality test, there will be no "right" or "wrong" answers, rather you will gain an insight into a candidate's characteristics and preferences such as their influencing style, the way they like to make decisions and solve problems, and how they respond to stress.

A psychometric test can also help to reveal what would motivate and satisfy a candidate from the perspective of their job, and therefore, whether or not they would be well suited to the role you are recruiting for.

There are a number of points that employers should bear in mind when considering using psychological tests for recruitment purposes. They should only be used to assess factors that are relevant to the job; and any records or information obtained from the process should be stored in accordance with the Data Protection Act. They should not be used as the sole method for recruiting someone, and the administration and interpretation of the results of the test should be done only by someone who has had the required training.

3HR can advise you on the use of psychometric assessments and help you to create a relevant policy which would include how the results will be processed and stored and how feedback will be given to candidates. Please contact us with any queries.

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