

# Moon & Co

Solicitors

## Employment Newsletter

Highlights March 2008

### The Chat

March is here and longer days. As many of you know I generally start work very early but have a very varied work pattern. Are you cramming too much in and not getting anywhere? Why not take a morning to come and hear some suggestions that help solve those problems. I am holding a workshop with Philip Carter of Icon Business Solutions on 13 March. Philip helps you see how you can work on your business rather than in it. We then play out a scene which could be happening in many businesses as you read this. In the playlet the character George is causing his boss all sorts of problems but is she going to do anything about it? Come and see.

***Boys Hall, Willesborough, Ashford  
Thursday 13<sup>th</sup> March 9.00am – 12 noon***

**Tickets: £25.00+vat (£29.37) with tea & coffee**

To book a place call Philip Carter on 01233 651652 or email: [philipcarter@iconbusinesssolutions.com](mailto:philipcarter@iconbusinesssolutions.com)

### Do they have the right to work?

The penalties for taking on illegal workers have just got greater. Under the rules that came in at the end of February there is to be a maximum fine of £10,000 per employee for employers who negligently hire illegal immigrants. Where the employer knows the recruit is an illegal immigrant the fines are unlimited and the employer could face a prison sentence of up to 15 years.

Since 2004 employers have been obliged to ensure that all employees they take on have a right to work in the UK. This requires more than the supply of a tax code or a National Insurance number. The government produces a list of the documents prospective employees need to produce to their prospective employer. We regularly give employers details about what they need to see and write these requirements into job offer letters.

The problem is more common than you may think. In 2006 the Border and Immigration Authority carried out over 5,200 illegal working operations and removed more than 22,000 people from the UK.

Where employees have limited rights to remain in the UK as a worker employers will also be required to carry out follow-up checks on employees at least every 12 months. Whilst employers are required to carry out these checks they must ensure they don't fall foul of anti race discrimination legislation. In practice this means carrying out checks on all prospective employees not just those they suppose not to be British Citizens. Also employers must be careful not to "weed out" people that may be illegal workers by discriminatory recruitment practices.

In an attempt to stop illegal immigrants getting onto the job market in the first place the Home Office will also introduce a single border force at the UK's ports and airports. This will be a force combines the Border and Immigration Agency (BIA), Customs and UK Visas. Further foreign nationals will be forced to carry ID cards. The BIA also provides advice to employers to help them comply with the legal requirement about checking employee's right to work whilst avoiding discrimination their web site is at [www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk)

A licence scheme will also be brought in for companies and education institutions that take on or sponsor foreign students and migrant workers. Under the licence scheme they will also be required to report to the border force anyone who fails to turn up for a course or work after a set period.

An Australian style points system has been brought in and is expected to be in full operation by the end of the summer. The idea behind it being to ensure that immigrants allowed into the UK have the right skills set to benefit the British economy.

## Increased compensation limits in tribunal claims.

The annual increase in compensation limits has been announced. From 1 February 2008

- For the basic award or a redundancy payment a week's pay goes up from £310 to £330 and
- The maximum compensatory award for straightforward unfair dismissal rises from £60,600 to £63,000

## Post Holiday Blues

Many of you will put off making hard business decisions until after the Christmas and New Year break. Now well into the New Year and with the end of the tax year looming have you got round to doing it? Have you reviewed your business or your job and thought about the direction that it's going. As an employer you should regularly consider their workforce and think about whether their work and skills meet your needs. Do you need to think about:

- Taking someone on; be specific about your needs but ensure you don't make assumptions which could lead to discrimination.
- Improving someone's attitude; learn how to give positive feedback and deal with problems before they are insurmountable. Why not come to the workshop on 13 March, (see details above).
- Increase someone's skills set; before organising formal training asses what skills your staff have, perhaps an appraisal system would help, also explore how you or others on your workforce can provide that training.
- Ending someone's employment; review all the options and then take legal advice before acting. Time spent talking to me can save hassle, sleepless nights, heartache and money.

Welcome to our e-newsletter which looks at new cases and employment related matters, which are likely to be of interest to many. However specialist advice should be obtained before taking or refraining from taking action based on comments in this newsletter, which is only intended as a brief note. For more information or if you have specific concerns phone me on **01233 714055** or e-mail.

E-mail me [kirsten@moon-and-co.co.uk](mailto:kirsten@moon-and-co.co.uk) to cancel at any time.

[www.moon-and-co.co.uk](http://www.moon-and-co.co.uk)

**Partners:** Kirsten B. F. Moon, Kevin G Moon. Regulated by the Solicitors Regulation Authority

27 MOON & CO Applewood House, The Hill, Charing, Kent TN27 0LU  
Telephone: +44(0)1233 714055 The Partners: Kirsten B F Moon; Kevin G Moon  
This firm is regulated by the Solicitors Regulations Authority

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