

"Your staff are your most valuable resource..." Whether your company employs two people or two hundred, this key item should be at the top of every manager's priority list. Yet, keeping up to date with changing employment legislation - especially with added European Community Directives - becomes more complex and costly every day. In these Fact Sheets, we have tried to provide basic guidelines and ideas to help you adapt or improve your personnel procedures. Please remember the advice given is general and not intended to be legally definitive. The Fact Sheets on various employment and human resource matters can be accessed at www.aslrecruitment.co.uk/useful-resources

EQUAL PAY – REVIEW NOW OR PAY LATER!

Equal pay claims are notoriously expensive, time consuming and demoralising.

The Equality Act, which came into force on 1 October 2010, has introduced the following new rules relating to equal pay:

- Pay secrecy clauses in contracts of employment are unenforceable under the 2010 Act
- An employer cannot discipline employees for discussing pay with each other
- Regulations may require employers with 250 or more employees to publish information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed; there are differences in the pay of male and female employees.
- A questionnaire relating to equal pay may be served on the employer at any time before a tribunal claim is submitted, within a 21-day period beginning with the day the claim is submitted, or later if permitted by the tribunal. The employer must then give a reply within eight weeks of receipt.

OVERSEAS EMPLOYEES WITH UK RIGHTS DO YOU EMPLOY STAFF TO WORK OVERSEAS?

In *Serco v Lawson* (2006) the House of Lords held that whether an employee can claim unfair dismissal should depend on whether they were working in [Great Britain](#) at the time of their dismissal, rather than what was contemplated at the time their employment contract was entered into. Employees working and based abroad should therefore only be able to claim unfair dismissal in exceptional circumstances.

The overseas employees of UK based companies therefore have the right to bring claims for unfair dismissal in UK Tribunals.

PRACTICAL TIP

To avoid this problem consider engaging overseas employees through a group company local to the country in which they are based rather than your UK parent company.