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## HR Update Winter 2013/14

We look at developments in human resources since our last update on this topic.



HR UPDATE

### Recruiting young people: Best practice

In difficult times, young people can be particularly disadvantaged when it comes to recruitment and selection. As they leave school, college and/or university, they can bear the brunt of the economic downturn and find it difficult to compete in a jobs market which becomes more competitive with fewer opportunities and increased demands. This means there can be thousands of young local people with up-to-date skills, enthusiasm and a willingness to learn looking for work.

Despite often having less experience of work, young people can be a great addition to the workplace, often demonstrating equal or superior capabilities to more experienced employees in areas such as:

- Willingness to learn
- Ability to get on with other staff
- Positive attitude to work
- Ability to follow instructions.

To discuss any of the topics covered, and to find out how we can help you, get in touch.



### How is recruiting young people different?

Traditional approaches to recruitment and selection often focus on the candidate's previous work experience, which can sometimes create barriers to the recruitment of young and longer-term unemployed people. Instead, you could focus on the individual's potential by assessing skills and attributes which may have been developed in a range of learning or life contexts.

### Making recruiting methods more inclusive

Most recruiters follow a traditional recruitment process of advertising their vacancy and requesting applications by CV or application form and then inviting shortlisted candidates to attend an interview.

The interview is usually a CV or 'unstructured' interview, which gathers general information about the

interviewee and their employment history but does not test any specific capability or personal attribute.

In an unstructured interview, the candidate is judged on the general impression that he/she leaves. The process is therefore likely to be more subjective and can disadvantage young people with less experience and those who are currently unemployed.

Many recruiters have found that by focusing on candidates' capabilities rather than previous experience, they have been able to successfully select the candidate that displays the most appropriate skills and attributes for the role.

Standard recruitment methods can be lengthy, expensive and time consuming. A process that aims to gain insights into individuals' capabilities can lead to better results as well as helping you to be more inclusive.



## Checklist: promoting positive mental health

Key things you can do to help maintain the mental health of your employees and help those with mental health problems remain in work and productive include:

1. Spot the signs. This may initially mean taking a note of what you see as you walk around or in team meetings and then choosing the right moment to intervene.
2. Engage with the problem. There are some good practical steps you can take to help with coping strategies and some legal requirements you need to bear in mind. For example, your duty to make reasonable workplace adjustments to the working environment in certain circumstances.
3. Keep a watching brief. This does not necessarily mean passively observing, although in some circumstances this may be the best option. Promote awareness of mental health issues and create a culture where employees feel they can talk to you about their concerns. Keeping communication channels open is critical.

But be careful not to:

- Give advice about a mental health problem unless you are qualified to
- Disclose a person's condition without their consent
- Feel guilty – instead focus on identifying any work-related causes of the problem.

## Case Study

Whitmar Publications Ltd v Gamage and others - Former employee ordered to give employer log-in details of a LinkedIn Account.

Mr Gamage, Ms Wright, and Mr Crawley were long-term senior employees of Whitmar Publications Ltd. They all resigned on 7 January 2013, stating their intention to set up a competing company, Earth Island.

It came to light that, while they were still employed by Whitmar, they had allegedly:

- attempted to solicit a number of Whitmar's clients and staff for their new enterprise;
- used Whitmar's confidential information to create media information for Earth Island;
- used LinkedIn groups managed on behalf of Whitmar to market their new company; and
- taken Whitmar's circulation and customer databases with them when they left.

When challenged with regard to the use of the LinkedIn groups, Ms Wright claimed that the groups were her own personal hobby and not linked to Whitmar's business. She therefore refused to reveal the username and password to Whitmar and continued to use the account and the contacts after her resignation.

Whitmar commenced proceedings against their former employees, claiming damages and also seeking an injunction restraining them from using and disclosing confidential information obtained during their employment.

The High Court upheld Whitmar's application for an injunction, pending a full trial of the issues, finding that there was strong evidence that its former employees had been taking active steps to compete with Whitmar for over a year in advance of their resignations. The High Court ruled that the customer and circulation databases amounted to information that was confidential to Whitmar and that the information removed by its employees - inclusive of the LinkedIn information - was sufficient to provide Earth Island with a competitive advantage. Wright was ordered to deliver up details to enable Whitmar to access and amend the database.

## Implications

Employees should take note that a LinkedIn account that is established in the course of their employment by a company and used to market that company's activities, may well be the property of the company, even if the employee has also been using the account as a personal contact database.

Employers, on the other hand, need to remain vigilant and aware of the continually evolving world of social media. Employers should also be aware of the potential damage that can be caused to their business in the event of the defection of an employee who may have been using such an account to build and maintain an online contact base.

## Latest news

### Third party harassment

An employer is no longer liable if an employee is harassed by a third party, such as a client or supplier. This has been a difficult area to apply since it was introduced with the Equality Act in 2010.

### Shareholder votes on executive pay

Shareholders now have a binding vote on the rewards given to senior executives every three years. This is part of the campaign to make top executives' pay more transparent.

### What's on the horizon? Intern payment update

Interns are to get more support to protect their right to fair pay, as the government launches new advice for young people. HM Revenue & Customs (HMRC) will be sending out letters to 200 employers who have recently advertised intern opportunities and unpaid work. The letters will alert businesses that HMRC will shortly be carrying out a series of targeted checks to make sure employers who have advertised internships are paying all their workers the correct NMW rate.