

## Guided tour



**PART 2**

### RESOURCING

- 4 Strategic aspects of resourcing
- 5 Contracts, contractors and consultants
- 6 Recruitment
- 7 Selection methods and decisions
- 8 Staff retention
- 9 Ending the contract

Part II Focus on skills  
Interactive skill 2:  
Selection interviewing



**CHAPTER 22**

## HEALTH, SAFETY AND WELFARE



**THE OBJECTIVES OF THIS CHAPTER ARE TO:**

- 1 DEFINE THE TERMS HEALTH, SAFETY AND WELFARE AND THE ROLE THEY PLAY IN HRM
- 2 EXPLAIN THE FRAMEWORK OF CRIMINAL LAW IN THE HEALTH AND SAFETY FIELD AND ITS ENFORCEMENT
- 3 ASSESS THE INCREASED ROLE PLAYED BY THE CIVIL LAW IN HEALTH AND SAFETY MANAGEMENT, PARTICULARLY IN RESPECT OF STRESS AT WORK
- 4 OUTLINE THE MAJOR METHODS AVAILABLE TO IMPROVE EMOTIONAL WELFARE AMONG STAFF
- 5 IDENTIFY THE MAJOR PROCESSES USED TO PREVENT PHYSICAL INJURIES FROM OCCURRING IN THE WORKPLACE
- 6 DESCRIBE THE ROLE THAT CAN BE PLAYED BY AN OCCUPATIONAL HEALTH FUNCTION

## Windows on Practice

Provides a range of interesting and topical illustrations of HRM in practice

Part II Resourcing

### WINDOW ON PRACTICE

A case heard in the House of Lords illustrates the importance of employee status. Ms. Carmichael and a colleague were employed as tour guides at a power station run by National Power PLC. They started working for the company on a casual basis in 1989, undertaking about four hours work each week as and when they were needed. By 1995 they each were working around 25 hours a week, so they decided to ask for written particulars of their terms and conditions of employment. The company refused on the grounds that they were casual workers and not employees. The women won their case in the lower courts, but the company decided to appeal right up to the House of Lords. At this stage the women lost their case on the grounds that there was no mutuality of obligation. They could, and indeed had, turned down requests to work without suffering any disciplinary action. They were therefore not employees and not entitled to the rights associated with full employment status.

An employment contract comes into existence when an unambiguous offer of employment is made and is unconditionally accepted. Once agreed neither side can alter the terms and conditions which govern their relationship without the agreement of the other. An employer cannot therefore unilaterally cut employees' pay, lengthen their hours of work, reduce their holiday entitlement, change their place of work or move them to another kind of work. To do so the employer either has to secure the employees' agreement (by offering some kind of sweetener payment) or has to ensure that the right to make adjustments to terms and conditions is written into the contract by means of flexibility clauses. Where an employer forces changes through without securing the agreement of employees directly, or in many cases through negotiation with union representatives, legal action may follow. An employee may simply bring a claim for breach of contract and ask that the original contract be honoured. In such circumstances compensation may or may not be appropriate. Alternatively, where the employer's breach is serious or where it is one of the implied duties listed above that has not been honoured, employees are entitled to resign and claim constructive dismissal in an Employment Tribunal, in which case their situation is treated as if they had actually been dismissed (see Chapter 9).

Table 5.2 provides a checklist for preparing a contract of employment.

### WORKING PATTERNS

Aside from payment arrangements, for full-time workers the pattern of hours which they are expected to work is the most important contractual issue. The total number of hours worked by the average full-time worker in the UK fell substantially for much of the past 150 years, but started to rise again in the 1990s (Harkness 1999). In 1850 the normal working week was established as 60 hours spread over six days of 10 hours each. The average number of hours weekly worked in 2003, including paid and unpaid overtime, was 44 hours for men and 39 hours for women (Labour Market Trends 2003a). Interestingly, in the last two or three years there is evidence that

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## Part opening page

Provides a visual guide to the part contents

## Activity boxes

Allow you to review and apply your understanding at regular intervals throughout the text

Chapter 5 Contracts, contractors and consultants

### Zero hours

A zero-hours contract is one in which individuals are effectively employed on a casual basis and are not guaranteed any hours of work at all. Instead they are called in as and when there is a need. This has long been the practice in some areas of employment, such as nursing agencies and the acting profession, but it has recently been used to some extent in other areas, such as retailing, to deal with emergencies or unforeseen circumstances. Such contracts allow employers to cope with unpredictable patterns of business but they make life rather more unpredictable for the individuals involved. The lack of security associated with such arrangements makes them an unattractive prospect for many.

### ACTIVITY 5.2

What types of job would you regard as most appropriate for the following variations of the conventional 9-to-5 working pattern?

- 1 Shift working
- 2 Part-time working
- 3 Job sharing
- 4 Flexible hours
- 5 Compressed hours
- 6 Annual hours

What types of job would not be suitable for each of these?

### ATYPICAL CONTRACTUAL ARRANGEMENTS

Recent decades have seen the growth of contractual arrangements that differ from the permanent, open-ended, full-time, workplace-based form of employment that has always been regarded as representing the norm. As was shown in Chapter 1, there is considerable disagreement about the significance of these trends. For some they mark the 'beginning of the end' for jobs as we have come to experience them over the past 100 years, while for others they represent a modest adjustment of traditional practices in response to evolving labour market developments and to industrial restructuring. Either way they have important implications for the effective management of people.

### Contracts of limited duration

Contracts of employment vary in all manner of ways. One of the most important distinctions relates to their length. Here it is possible to identify three basic forms:

- **Permanent:** This is open-ended and without a date of expiry.
- **Fixed term:** This has a fixed start and finish date, although it may have provision for notice before the agreed finish date.

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## Chapter opening page

Learning objectives help you focus on what you should have learned by the end of the chapter

**Part II FOCUS ON SKILLS**



**INTERACTIVE SKILL 2: SELECTION INTERVIEWING**

Central to all resourcing is the selection interview, which is also one of the most familiar and forbidding encounters of organisational life. Most people have had at least one experience of being interviewed as a preliminary to employment and few reflect with pleasure on the experience. HR specialists have a critical role in selection interviewing, carrying out many of the interviews and encouraging good interviewing practice in others by example, support and training.

### Focus on skills

Appear at the end of each part, offering clear guidance and a range of exercises to help you to develop the skills required of a Human Resource Manager

**Part II CASE STUDY PROBLEM**

You are the Human Resources Manager for a large insurance company with 2,000 employees based in a large city in the north of England and your company has just taken over another insurance company in the south of England which currently employs 1,100 staff. Both firms have a long history and to some extent cover the same insurance markets, although the company in the south of England covers two fairly large specialist areas which are not covered in the north. This was one of the reasons for the takeover, as such specialist staff require a long training and need to acquire high levels of expertise. There are 300 staff in the south who are dedicated to these specialist insurance services.

The takeover did not go smoothly as there was resistance from the southern company, and now it is complete there is considerable uneasiness. Only three years ago the southern company was party to a merger with another local firm and as a result 20 per cent of staff were made redundant. There had been promises of a bright future after these difficult times.

For financial and pragmatic reasons it has been decided that the southern office will close almost immediately and all staff will be located in newly built offices 15 miles out of the northern city. Many of the southern staff are alarmed at the idea of moving and equally alarmed that they may not be invited to move due to another round of redundancies. This especially applies to those who are over 50. The northern staff are divided in their views about the move out of the city centre. Those who live on the western side of the city where the new offices are located are generally delighted to be able to work near to home in an exclusive part of the county. Staff who live on the other side of the city are concerned – some are not happy to travel long distances each day, and for a variety of reasons do not want to move to the other side of the city. Some would like to move, but find that the difference in house prices is too great. Many are disappointed that they will no longer work in the city centre, which is something they had valued. Redundancy is not a possibility which was seriously considered by the northern staff.

The required profile is broadly as set out in the following table:

A	Senior and middle management	30
B	Professional/unior management	1,700 (to include 300 specialist staff)
C	Clerical/administrative	600
D	Manual/laboratory	65

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### Case study problems

Offer a variety of business scenarios, encouraging you to apply your understanding of the issues covered in the text

Chapter 21 Recognition and consultation

intentions. The recipient could use or ignore it at will, depending on the common-sense assessment of its value. Legislation has caused the need for advice of the type offered by a professional. This is thoughtful and intended to be helpful, but may not be welcome. It will be based on an informed examination of statute and precedent, and will include a full appreciation of the strategic implications of whatever is being considered. No HR manager can now regard the general company strategy as something of concern only to other members of the management team. Although this is such an obvious point, it needs reiteration as a number of those applying for courses in HRM retain a view that their role is to be much more even-handed, and some commentators castigate personnel managers for adopting a managerialist approach. One commentator criticised HR managers for abandoning their social and religious principles, adopting a managerialist rather than an independent professional stance, ignoring the pluralistic nature of work organisations and consolidating an exploitative relationship between people at work (Hart 1993). Today's HR manager is inescapably and necessarily a representative of management interests. In union recognition issues in particular, there is no point in having a personnel manager involved who does not adopt that perspective.

The HR manager therefore carries a specific type of authority. As well as receiving advice, the employer needs to see that all employment matters are administered in a way that is consistent with the legislative framework, and part of that requirement is that managerial actions should be consistent with each other. It may also be that people see the need not only for advice, but also for representation by someone who knows the context, rules of procedure and behaviour in a highly stylised form of discussion.

**SUMMARY PROPOSITIONS**

21.1 While trade union recognition is less common than it was 25 years ago, collective bargaining remains the main means by which pay and conditions are determined in a large minority of workplaces. It is still dominant in the public sector.

21.2 An employer is deemed in law to have recognised a trade union if it negotiates with it about pay, conditions or employment policy. Recognition gives trade unions and their representatives important rights in law.

21.3 There are conflicting cases from a management perspective both in favour of and against trade union recognition. Their validity is determined by the circumstances of the organisation.

21.4 Collective bargaining varies in terms of its scope and its level and in the number of unions involved. Recent years have seen moves towards partnership agreements, as well as those designed to achieve flexibility and to facilitate the introduction of new technology.

21.5 Since 2000 there has been in place a legal route for trade unions to use as a means of securing recognition. The result has been an increase in the number of voluntary agreements reached.

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### Summary propositions

Help you to check your understanding of chapter content and provide a useful revision tool

**Part II EXAMINATION QUESTIONS**

- 1 How is the labour force changing and what are the implications of these changes for human resource management?
- 2 Outline the advantages and disadvantages of (a) panel interviews, and (b) serial interviews in selection. In which circumstances would you recommend each approach?
- 3 What techniques can managers adopt to improve their recruiting and interviewing practices?
- 4 Describe and explain the management practices necessary to avoid a claim at a tribunal for unfair dismissal.
- 5 Outline the major factors that influence the use of part-time work in Britain, and discuss the implications of part-time work for part-time workers.
- 6 Under what conditions may annualised hours systems provide employers with the 'flexibility they require'?
- 7 XYZ plc recruits about 15 graduates and MBAs each year, using application forms, references and the selection interview. The HR Director is thinking of introducing assessment centres for this process. What factors should be considered in approaching this decision?
- 8 If there appears to be a problem of retaining employees in the business, how would you set about deciding whether or not this is a solvable problem, and what sort of strategies would you adopt if you decided it could be solved?

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### Exam questions

Each part concludes with sample questions from past examinations at various levels

# Web guided tour



**Weblinks**

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All links provided below were active on website launch. However, due to the dynamic nature of the Internet, links do occasionally become inactive. If you find a link that has become inactive, please try using a search engine to locate the website in question.

**Part 1 links**

- Chartered Institute of Personnel and Development  
This link takes you to the website for the Chartered Institute of Personnel and Development, which is the professional body for HR people. The website has a wealth of information, not only on qualification courses, but on all aspects of human resource management.
- Society of Human Resource Management  
This is a similar website for the Society of Human Resource Management in the United States.
- People Management  
This is the website for the monthly journal, published by the Chartered Institute of Personnel and Development.

**Part 2 links**

Plenty of material from consultants can be found at the following websites:

- The Development Company
- British Psychological Society

Links to relevant sites on the web

**Multiple choice questions**

Try the following multiple choice questions to test your knowledge of this chapter. Once you have answered the questions, click on 'Submit Answers for Grading' to get your results.

If your lecturer has requested that you send your results, please complete the routing information found at the bottom of your graded page and then click on the 'E-Mail Results' button. Please **do not** forward your results unless your lecturer has specifically requested that you do so.

This activity contains 2 questions.

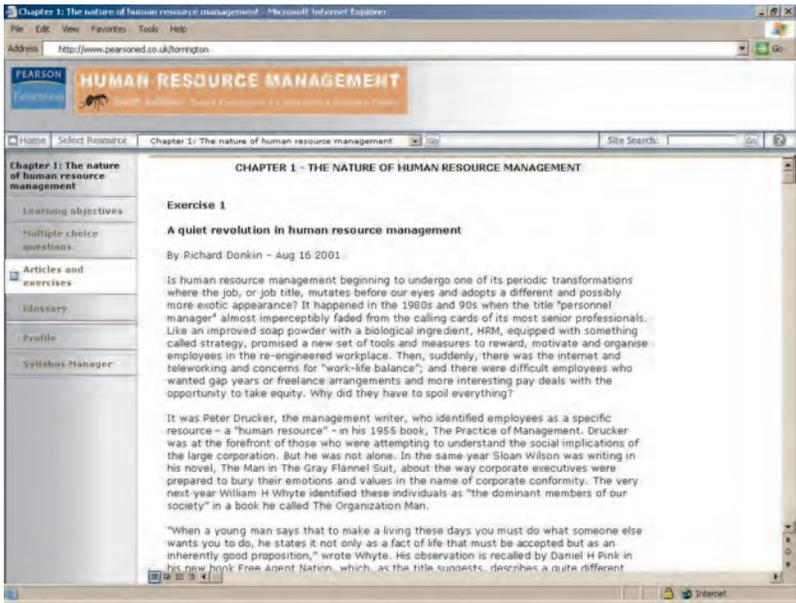
1. Which one of the following statements about human resource management is correct?

- There is an increasing emphasis on the administration of contracts of employment
- There is a decreasing emphasis on 'the contract for performance'
- There is an increasing emphasis on 'the organisation as entity'
- There is an increasing emphasis on 'the organisation as process'

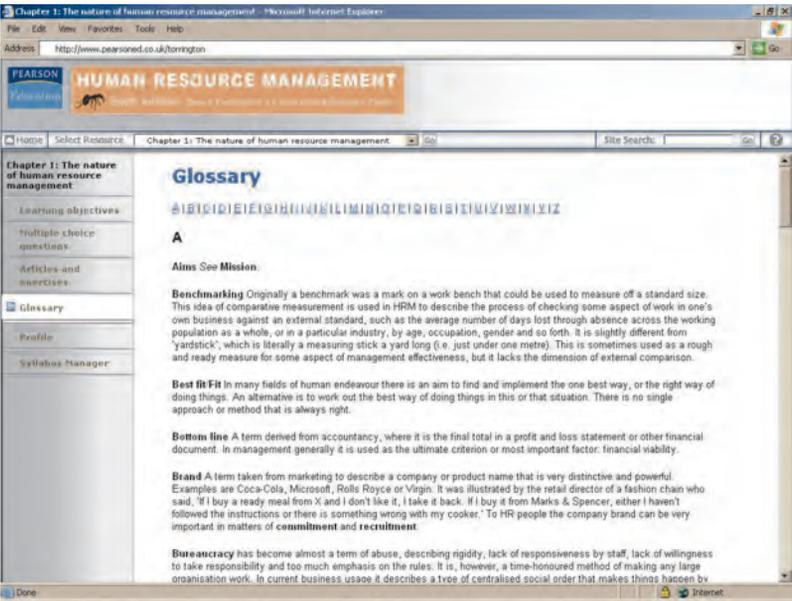
2. Which one of the following correctly lists the four principal types of HRM objective?

- Administration, change management, staffing, performance

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