

## **SMART RECRUITMENT INFORM OF NEW EMPLOYER LAWS**

Legislation, legislation, legislation. That is the picture facing employers thanks to two hugely significant new laws that have just come into force.

And according to Helen Stacey, director of Dorset and Somerset-based Smart Recruitment, the consequences could be far-reaching.

From October 1, it became illegal for employers to discriminate on grounds of their age while recruiting, promoting or training staff.

But Business Link, the organisation that provides services to small businesses, calculates that at least one in four small to medium size employers are unaware of exactly what the change means.

“This is probably the biggest change in employment legislation since the 1970s or 80s,” said Helen. “The only thing that employers should be looking to discriminate on is ability, nothing else. They won’t be able to put age limits in advertisement, or use words such as ‘young and energetic’, and we’re suggesting that date of birth should be removed from application forms. “Some bigger companies have a minimum or maximum age for promotion. That’s not going to be relevant, and people won’t necessarily have to retire at 65.”

The TUC estimates that there are about a million people in Britain between the ages of 50 and 65 who want jobs but cannot get them because of their age. “There’s a huge workforce that has the correct work ethic, the right attitude and wants to work,” said Helen.

“We have clients who say: ‘This person is 58 so will be retiring soon.’ We tell them the person might be with them for six /seven years and they wouldn’t get that from an 18-year-old.” Although older workers perhaps stand to benefit more, Helen pointed out that the new law cuts both ways. “Employers such as B&Q, who actively recruit older people may have to change their policy because it discriminates against the young,” she said.

“Indirect discrimination, where people are treated less favourably than others because of their age will also be illegal, such as idle office chit-chat calling people over the hill or a young whippersnapper.”

The other new law was drawn up in the wake of the Morecambe Bay tragedy in February 2004, when at least 21 Chinese illegal immigrants drowned as they were gathering cockles in rising tides. Their gangmaster is now serving a 14-year jail sentence.

The result is that anyone, including employment agencies, supplying temporary workers for agriculture, horticulture and associated food processing and packaging is required to have a gangmaster's licence. Employers are also barred from taking staff from unlicensed providers. The results of this can result in imprisonment for both parties.

Smart Recruitment was only the second agency in Dorset to obtain such a licence and, undergoes regular training with the immigration office to help it spot forged documents. Companies can be fined £5,000 for each illegal immigrant they employ, but as Helen pointed out: "The negative PR that would accompany employing an illegal immigrant is probably worse."

In the last couple of years, there has been an influx of workers from the newest European Union countries, including Poland, the Czech Republic, Latvia and Lithuania. More than 30 per cent of Smart's temporary workforce is now from Eastern Europe.

With Bulgaria and Romania joining the EU next year, the Government has not yet decided whether to impose any restrictions on its workers coming to the UK.

"Some people are saying that the migrant labour pool is stopping British people from getting jobs, but on a local basis I don't agree," said Helen. "All of our jobs are open to anybody, but British people don't want those more unskilled and generally lower paid type of jobs."

She believes the new workforce has kept wage inflation down and enabled the British economy to continue growing. "The jobs market is very buoyant," she said.

"In the south west, we have had the lowest unemployment rate in the country for the last two years at 1.6 per cent. Most companies in our experience are expanding and taking on extra staff. We have four branches in Dorset and one in Somerset and have added about a third to our own workforce just to keep up with demand."

Other changes on the horizon include the ban on smoking in most workplaces from next summer and the possible ending of the right to opt out of the 48-hour week.

Last year, Prime Minister Tony Blair also pledged to add bank holidays to the statutory minimum of four weeks annual paid leave – providing Labour wins the next general election.

For further information on Smart Recruitment visit [www.smartgroup.co.uk](http://www.smartgroup.co.uk)



**Caption** – Left – Helen Stacey, Director of Smart Recruitment.



**Caption** – Above – Steve Collins of Beacon gives Paul Lovesy, Director of Smart, the company's Beacon Award 2006.

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