

Is your company ageist?

Age discrimination will be outlawed by a new Act of Parliament in October. By **Fran Ryba**

On 1st October 2006 it will become illegal for employers to discriminate against employees because of their age. Employees both young and old will be covered under the Age Discrimination Act. Harassment on the grounds of age will also be outlawed. Employers cannot force someone to retire under 65 and will have to follow a set procedure for those who request to continue working after 65.

This change in the law has huge implications for employers in the publishing industry when recruiting, promoting or making staff redundant under the age of 65. Length of service benefits after five years' service, such as additional holidays, sabbatical leave, awards for loyalty or experience that many publishers offer, must now be objectively justified as a business benefit, as the law believes it disadvantages younger workers.

Employers need to be particularly careful about what they can and cannot say in job advertisements and in their communications in the workplace. They need to begin preparing now for the age regulations, not only to protect the company should a complaint of discrimination be made, but also to establish a reputation as a good employer. In line with other discrimination law, there is no limit on the amount of compensation an employment tribunal can award.

Employment law is a complex area and many employers regularly fall foul of it. Getting it right means keeping in touch with employment developments. Getting it wrong is easier, but could be extremely expensive. For instance, statutory disciplinary and grievance procedures came into force in 2004 making it vital that employers follow a minimum three-step procedure before dismissing an employee.



"Protect your company from legal wrangles by keeping up-to-date with new legislation"

Many employers are still opting to deal with dismissals on an informal basis. The penalty for failing to follow the proper procedure is automatic unfair dismissal and up to a 50% increase on any compensatory tribunal award. Compensatory awards can be up to £58,400 for unfair dismissal plus a basic award of £8,700.

Know your rights

Companies are often uncertain about, or even oblivious to, employment regulations. Employers often fail to understand the implications of employment law on their business and place themselves at risk from potential tribunal claims. Many employers end up paying huge amounts of unnecessary compensation, owing to a lack of knowledge and confidence in handling sensitive employee issues.

It is possible and straightforward to put in place the necessary contracts and policies to ensure legal and contractual compliance, which can help a company avoid or defend itself against claims being made by disgruntled employees.

Good sources of employment law advice for employers can be found on the Advisory, Conciliation & Arbitration (ACAS) website at www.acas.org.uk, and on the Department of Trade & Industry website at www.dti.gov.uk.

Small and medium-sized publishers may not have the time or resources to achieve compliance with complex and fast-moving employment law, or may struggle with people management issues. This is where consultants can help: typically they get involved in drafting contracts and policies; developing salary structures; appraisals; handling disciplinary, grievance and redundancies; and, more increasingly, investigations into alleged harassment and discrimination complaints.

Heads of creative companies often resist implementing policies and procedures as they believe these measures are contrary to the informal environments they want to foster. In my experience, employees, including senior executives, welcome the frameworks employment policies and procedures bring; these can be created and applied in a style that suits the culture and size of a company.

Procedures create fairness and clarity because employees know exactly what is expected of them, managers are more consistent in their approach, and management competence also tends to improve. My experience is that business owners usually find it a relief to resolve their people issues, and to become more knowledgeable about employment obligations.

For further information please contact Fran Ryba Consultancy (Tel 020 7263 3711, e-mail franryba@tinyonline.co.uk, website www.fr-consultancy.co.uk). Ryba has worked for Faber & Faber, Random House, Usborne Publishing, Egmont, Greene & Heaton, Which? Magazines, Channel 4 Television, and several music publishers.

MOVES

Tokyopop has hired **Rosalind Bushell** as finance and account manager.

Creative Print and Design Group (CPD), part of the Norhaven Danish book manufacturing organisation, has appointed **Martin Mulcairn** as general manager of its new paperback manufacturing division. He will be based in Wales from early autumn 2006.

Swets Information Services has appointed **Thomas**

Snyder as chief commercial officer, responsible for global marketing, sales, customer relations and product development activities.

Colm Ó Riagáin of O'Brien Press has left the company to join Elevate PR.

The Copyright Licensing Agency (CLA) has hired **Georgina Bentliff** as strategic development manager, reporting to Peter Shepherd, chief executive.

Summersdale Publishers has hired **Robert Melhuish** as graphic designer (bert@summersdale.com).

Rob Smith is now production co-ordinator at Summersdale Publishers, and can be contacted at rob@summersdale.com.

Changed jobs? Been promoted?
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