

60 Second INTERVIEW

**Jonathon Smith COO
Network Group Holdings Plc**



Jonathon Smith is a fellow of the Recruitment and Employment Federation. From 1981 to 1989 he was Managing Director of Pertemps Jobshop (Southern) and Pertemps (Dudley). From 1989 to 1991, Mr Smith was a director and shareholder of Network Technical Recruitment Limited and Network Appointments Limited and from 1992 was a director of Network Migration Services Limited, a relocation and career consultancy. Since 1996, Mr Smith has been responsible for the acquisition and development of start-up businesses which now form the specialist recruitment business Network Group Holdings Plc.

How long have you been involved in the recruitment sector and why has it been your chosen profession?

I have been involved in the recruitment sector since 1977 and I was invited to join an agency I had registered with looking for a new job.

What do you enjoy most about your role?

No two days are the same as my role is to manage and mentor a large number of people.

What has been your greatest achievement to date?

Being part of the senior management team that floated NGH on the AIM Market in 2007.

I understand a substantial part of your job involves mergers and acquisitions, how buoyant is this area of the market?

It is warming up I think that 2012 will be quite a busy year as companies look at ways to grow by acquisition and cost cutting where there is back office replication.

Do you think there will be an impact on both permanent and temporary hires during 2012, given the rumours of a further downturn?

I would expect 2012 to be a slightly tougher year for permanent hires and firms to use more temporary staff despite the appallingly timed Agency Worker Regulations which the UK should have said 'non' or even 'nein' to.

What top tip would you give to SME's in the recruitment sector for 2012 and beyond?

Keep a close eye on costs encourage your staff to work longer hours to achieve results as when we finally get some growth we will have one of the busiest recruitment markets we have ever experienced.

What is your preferred international destination?

Mauritius without a second thought.

Commerce & Industry Group Birmingham

Wednesday 14th September saw the latest meeting of the West Midlands Commerce and Industry Group in Birmingham, where lawyers working within the in-house legal functions of banks, PLCs and SMEs had the opportunity to share ideas and experiences amongst their peers. Sponsored by eNL Legal Recruitment and law firm Freeth Cartwright, the event focussed on team working and included a presentation by former olympian Derek Redmond.

Derek's discussion on the benefits of working as a team to tackle challenges used the build up to the 1991 World Championships where Team GB won gold in the relay event to highlight what can be achieved when employees work together in the best interests of an organisation.



Following a delicious buffet-style barbecue on the terrace, attendees were free to network and to discuss the issues affecting their businesses currently. Pasquale Agatiello, who heads up the In-House Legal Division at eNL commented: "As always, it was a real pleasure to work with the C&I group to bring together legal representatives from a variety of organisations across our business community. The evening proved to be a great success with record-breaking attendance, and we hope that this momentum continues across future events". Pasquale was accompanied at the event by fellow consultants Kaye Thumpston and Rachel Barnett, and also by Operations Director, Rebecca Mawdsley.



Christine Smith, Operations Manager for the C&I Group said "The C&I Midlands Region would like to thank eNL for their generous sponsorship of the recent BBQ event at the Studio in Birmingham. Everyone had a great time and Derek Redmond was a very entertaining speaker. We look forward to working more closely with eNL in the future".

If you are an in-house lawyer and would be keen to be involved in future events please contact pasquale.agatiello@enllegal.co.uk to register your interest.

For more information on the C&I Group, please visit www.cigroup.org.uk

AWR in a nutshell

From 1st October 2011 organisations employing temporary workers will need to have an awareness of the Agency Workers Regulations Act and the rights they confer. The purpose of this article is to give the basic information you need to be aware of when hiring interim staff.



Day one Rights

Under the AWR, certain rights are conferred upon a temporary worker from day one of their assignment. These are:

- **Access to collective facilities and amenities for example:**

- Staff Canteen
- Childcare Facilities
- Transport Services

It does not extend to off-site facilities that are not provided by the end user client, for example, subsidised access to an off-site gym.

Right to be informed of vacancies:

From day one of an assignment an agency worker has the right to be informed by the end user client of any relevant job vacancies with the end user client that would be available to a comparable employee or worker. This right will not apply where there is a genuine headcount freeze and posts are ring-fenced for redeployment purposes or internal moves that are a matter of restructuring and redeploying existing internal staff in order to prevent a redundancy situation.

Liability for day one rights

The end user client (and not the Agency) is responsible for providing equal treatment for the day one rights and is liable for any breach of these obligations.

12-week qualifying period

The 12-week qualifying period is completed by an agency worker working in the same role with the same end user client for 12 calendar weeks, regardless of the number of days or hours worked during a given week. On completion of the 12-week qualifying period, an agency worker is

entitled to the same 'basic working and employment conditions' as the agency worker would be entitled to for doing the same job had the agency worker been recruited directly by the end user at the time the qualifying period commenced. 'Basic working and employment conditions' are:

- (a) where the agency worker would have been recruited as an employee, the relevant terms and conditions that are ordinarily included in the contracts of employees of the end user client.
- (b) where the agency worker would have been recruited as a worker, the relevant terms and conditions that are ordinarily included in the contracts of workers of the end user client, whether by collective agreement or otherwise, including any variations in those relevant terms and conditions made at any time after the qualifying period commenced. The AWR define 'relevant terms and conditions' as terms and conditions relating to pay (subject to exclusions set out in the AWR), the duration of working time, night work, rest periods, rest breaks and annual leave.

Pay and Bonuses

The definition of pay includes holiday pay, shift allowances, overtime rates, and bonuses directly related to quantity and quality of the work carried out. Temporary workers (under the Working Time Directive) already receive the equivalent of 28 days of paid annual leave per annum (pro rata), however should the entitlement for an equivalent permanent worker be in excess of this then the temporary worker will also be entitled to the additional annual leave.

They will still not have the right to claim for unfair dismissal, redundancy pay or maternity leave which are entitlements reserved for employees. Nor will agency workers be entitled to benefits such as occupational sick pay, company pension schemes, share options schemes, loans, expenses, health/life insurance, financial participation schemes and bonus payments based upon organisational or company performance.

Pregnant agency workers will however be entitled to paid time off to attend medical appointments and antenatal classes once they have achieved the 12 weeks' qualifying service.

ENL'S MOVERS AND SHAKERS

- **Jennifer Jones** & her employment team have moved to Harrison Clark
- **Rosemary Aves** has joined the Birmingham office of Wragge as a Corporate Solicitor.
- **Harriet Critchley** has joined Harvey Ingram in Birmingham to support newly appointed Property Litigation Partner, Pamela Shepherd.
- **Amandeep Halet** has joined the employment team of Harrison Clark as a Newly Qualified Solicitor.
- **Sarah Franks** has joined Greenwoods LLP as a Commercial Property Solicitor.
- **Richard Bowater** has recently joined the commercial property team of ABD Legal Services in Devizes, Wiltshire.
- **Mike Williamson** has joined Brabners Chaffe Street as a Legal Internal Auditor.

THE ECONOMY - GOOD NEWS

TJ Morris is planning to more than double its chain of 250 Home Bargains stores over the next five years, increasing the workforce from 7,000 to 12,000.

Sainsbury's has unveiled a £1bn sustainability programme to increase sales of British food and fairly traded products, and 50,000 jobs will be created by 2020.

Ernst & Young is to create 300 jobs in its Irish accountancy and consultancy business over the next year, including 21 in Belfast.

A £400m facility, at Broughton in North Wales, will produce wings for the new Airbus A350. It will employ 650 people and a further 5,000 positions will be supported in the supply chain.