



# Extended hours – changing staff contracts of employment

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# Changing Contracts of Employment

- By agreement
- Flexibility under the contract
- Collective agreements
- Termination & offer of new contract
- Offer of redundancy as alternative to new terms & conditions



# What's the worst that can happen?

- Low staff morale
- Claim damages for breach of contract
- Resign & claim unfair dismissal



# Change of hours by agreement -

Is it a contractual term ? YES!

Do I *need* to have agreement or can I introduce without consultation? NO!

Agree explicitly, in writing

Agree implicitly by working the new terms & conditions

# Flexibility

- Flexibility clause e.g. *you will on occasions be required to alter your hours, after notice, to cover other staff who are on holiday.*
- Cannot have complete freedom in the contract to do what you want.
- Terms must be reasonable & carte blanche to alter hours of work would make the term contractually invalid



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# Gaining agreement

When starting discussions, if staff agree, put agreement in writing & implement.

If facing opposition (or predict opposition) –  
formally consult



# Consultation

- Choose your lead negotiator – not one who opposes the change!
- Persuade through well thought out proposals & clear reasoning. Have a fall back position so there is a win/win result.
- How to sell it: overtime pay? volunteers? share the pain – what is the partners' burden? Buy – out sweeteners?
- Listen to objections, consider seriously and reach compromise – see above



If all agree .....

Put it in writing !

# If some don't agree .....

How important is it?

Seek legal advice. Two options:

Option 1

- staff who resist told that only option is to terminate ***existing contracts***
- still resist, notice given in writing of termination of ***existing contracts***, & offer of re-engagement at end of notice period on the new terms.

# Option 2

- If the change is a fundamental term of the contract e.g. hours of work, consider offering resister(s) redundancy.

- Pitfalls:

Can be expensive & divisive, leading to low moral of remaining staff



# Maintaining Staff Morale

- Be honest and open
- Genuinely consult
- Put a review period for the change
- Clear communication, made directly
- Put proposals in writing
- Be flexible
- Think imaginatively



# Contact

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