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A Compelling Sales Message from "Health Assured"

Two Court Rulings In Less Than A Month... Supporting Our Innovative Approach

In less than a month there have been two ground breaking judgments which have a significant impact on corporate UK. Yet greater weight is added to support the compelling argument that a consultancy style of approach to healthcare consulting holds the key driver to cross sales revenue and continued market growth.

Both judgments also accentuate the benefits of the Health Assured product and provide a robust justification for proactively promoting the products to clients and prospects like, as an effective tool by

At the time of tight budgets and limited pay awards the positive impact of the Health Assured products cannot be overstated. The stress coaching tool and online health



Intermediaries are experiencing Conversion Rates of 74% with Option 2.

assessments have proven to be very popular amongst employees and now constitute a highly valued staff benefit. which to reduce costs, reduce absence and prevent litigation risk.

In addition to the court rulings a report was also published in June by researchers at Warwick University, which suggests that 13.5 million working days a year are lost because of stress-related illness.

Researchers at Warwick University also warned that the recession could lead to workers coming in even when they are feeling stressed which could result in greater costs to the economy. Bernard Casey of the University's Institute for employment research said "the current recession is likely to intensify stress at work. Uncertainty, itself, Breeds stress".

Distribution Strategy Tested

When Health Assured embarked on the well worn track of a limited intermediary panel, there were many who said (and even more who thought) if tested we would be found wanting, like so many before us. We can confirm just last week we were twice tested and emerged with flying colors.

Our panel of intermediaries

are incorporating, with great effect, the Health Assured proposition in an attempt to secure new business . The feedback we are receiving is "when delivered as a risk management solution including an EAP, it is highly effective solution".

On both occasions the holding intermediary (without an agency) requested urgent terms in order to defend their position.

Despite the obvious pressure and unfeasibly large carrots which were dangled, we can confirm we held firm in our fundamental belief of our support for proactive and supporting intermediaries should be unwavering.

**“Counselling
Helpline Receives
Positive Client
Feedback”**

**“40% of Employees
are using the
Online Health
Assessment Tool
within the Health
Assured Options
This will have a
direct impact on
staff wellbeing and
Absence Rates”**

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Employment Law Ruling

On Wednesday 10th June 2009 The House of Lords gave its judgment in the case of HMRC versus Stringer and held that during periods of sickness absence one can:

- a) accrue statutory holiday pay (in respect of the basic annual leave entitlement covered by Working Time Directive 1998
- b) carry over unused holiday entitlement to the next year if not able to take as a result of the sickness absence
- c) receive pay in lieu of

unused holiday entitlement upon termination of employment

The case was actually about whether payments due under WTR 1998 were covered by unauthorised deduction rules under the Employment Rights Act 1996 but the above issues fell to be determined as a pre requisite.

This decision is potentially costly for employers and yet another reason why they should effectively manage sickness absence.

“From a Healthcare Consultancy perspective, this further supports the arguments of a “joined up” and robust approach to Occupational Health, Absence Management, and Stress Management .

It makes complete sense from a cost and risk management perspective, which can only help to positively impact on PMI, GIP and EL premiums moving forward”

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E mail. sales@healthassured.co.uk or simply speak with any member of the Team

When a client goes live, we promise that the Welcome Pack will be dispatched on the same day, in hard and soft copy format.

Claims in Denmark (look out)

The Danish government has begun paying compensation to women who have developed breast cancer after long spells working nights.

It follows a ruling by a United Nations agency that nightshift probably increase the risk of developing cancer. For years there has been growing evidence that night shifts are bad for you will stop among the

symptoms: disturbed sleep, fatigue, digestive problems and a greater risk of accident at work.

It is a statutory requirement in the UK that employers offer a medical screen for individuals who regularly work night shifts. Many employers simply do not appear to be complying with this legislation and often find it difficult to source this service.

All Night Workers covered under the Health Assured Plans are encouraged to complete the comprehensive medical screen, as an integral element of the service

**A COMPELLING SALES MESSAGE FROM
“HEALTH ASSURED”**

Pre-employment Questionnaire...Court Ruling

The High Court has ruled that a former employee who failed to refer to her history of stress and depression in a pre-employment questionnaire had not made fraudulent or negligent misrepresentations.

Implications

Employers should review their pre-employment medical questionnaires to ensure that it requires job applicants to give full details of their medical history and does not contain any questions which are open to interpretation. It is good practice for such questionnaires to provide examples and explanatory notes. In this case, the High Court noted that the questionnaire had been poorly drafted and did not contain any "sweep-up" question for applicants to disclose matters which fell outside the specific questions asked in the questionnaire.

However, should job applicants disclose a medical condition in a pre-employment questionnaire, employers should consider whether the applicant would be covered by the Disability Discrimination Act 1995. If they are, a decision to refuse their

employment solely on the grounds of their disability could constitute unlawful discrimination.

Employers should also consider whether the questions that they ask are necessary, to ensure that they comply with the provisions of the Data Protection Act 1998.

Details

In the case of *Cheltenham Borough Council v Laird*, Mrs Laird had suffered from episodes of stress and depression between 1997 and 2001 and was also prescribed anti-depressants for some of this period. When in November 2001 she was offered the job of Managing Director at Cheltenham Borough Council (the Council), it was conditional upon medical clearance being obtained from the Council's Medical Advisor following completion of a pre-employment questionnaire. However, Mrs Laird did not refer to her previous episodes of stress and depression or that she was taking anti-depressants in her answers to the questionnaire. She was therefore assessed as fit by the Council's Medical Advisor and offered the position in January 2002.

However, Mrs Laird became ill with stress and depression the following year and in 2005 was granted an ill-

health pension by the Council. In August 2006 the Council then obtained a copy of Mrs Laird's pre-employment medical questionnaire and discovered that she had not mentioned her history of stress and depression.

The Council brought High Court proceedings alleging negligent and fraudulent misrepresentation and sought damages for the costs of granting Mrs Laird an ill-health pension.

However, the High Court found that Mrs Laird's answers were not misrepresentations because she had correctly answered each question. For example, in answer to the question "date when you last had medical treatment and reason" Mrs Laird had given details of treatment for bruising to her lower back in September 2001. This was factually correct because it was the last treatment she received before she answered the questionnaire. Furthermore, the questionnaire only asked for details of 'treatment' and not whether or not she was taking any medication.



"Comprehensive Pre-employment Screening and Occupational Health Nurse Telephone Based Consultation where clinically indicated, included as standard within all Health Assured Plans

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"There is a need for a Comprehensive, Clinically Supported Pre-employment facility to avoid DDA Claims and work within a framework of Best Practice"...