



## **What Can We Learn from The Junior Doctors Row when imposing new contracts of employment?**

With all of us having such an emotional investment in the NHS and its future, it's difficult for most of us to not to take sides in the current clash of junior doctors v. the government. As the latter has now decided to forcefully impose the unwanted new contracts on junior doctors, it appears to be stoking the angry fire rather than finding an acceptable solution to appease this essential workforce. While we all want the reassurance of a 24 hour seven day week NHS, what can we learn from this situation from an Employers point of view?

Jacqueline Webb, Employment Partner at Pictons says "Changing staff contracts is always challenging, whatever the reason and whatever your business. Of course in an ideal world your staff will be wholeheartedly behind the change- but what if, like our junior doctors, they are completely opposed to it?

"As we can see with our junior doctors, forcing people to accept new and apparently unwanted contracts without their agreement is not an easy option for employers. If employers dismiss the staff and re-employ them on new contractual terms they could be faced with unfair dismissal claims. Further claims that could result from this are constructive dismissal and/or breach of contract.

Of course we always advise our clients to have the best possible contracts from the very start, with flexibility built into them. However, the business world is unpredictable and, as with any change, the best place to start is by consulting with your staff from the outset, let them know why you have to make the changes and be willing to negotiate and make some concessions, even if they are small. Show your staff that you are willing to listen, while emphasising that in order for the business to continue and secure their employment, changes must be made.

"Sometimes this approach does not work, especially if there is powerful union representation within the company or organisation. If no agreement is forthcoming it might be necessary to consider the unfortunate option of dismissal and re employment. This has to be very clearly explained in writing, ensuring you are explicitly demonstrating why the change is essential to the business. You must also say that it is your full intention to minimise any disruption or negative effects that the changes may have on your employees.

Employers must put everything in writing, even details from consultation and negotiation meetings so that you are fully covered should an employee decide to make a claim against you.

The best way to protect yourself as the employer and your business interests is to ensure that your relationships with your workforce remain strong and open. Your staff may not want the changes but will often accept them if they feel the changes are necessary and the process of consultation has been fair. Never underestimate the importance of staff morale and motivation. Above everything else they have to

feel that they are valued as employees, they have been listened to and you really have very little choice but to change their contracts in order for the business- and their own jobs - to thrive and prosper.”

If you need Employment advice then contact Jacqueline Webb or her team on 01582 870870 to reach our Luton, Milton Keynes or Tring offices or email [info@pictons.co.uk](mailto:info@pictons.co.uk)