

University of Wales Trinity Saint David
Module: Managing People

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Introduction

It has been observed that the tactics relating to the “for and rehire” is very much responsible for establishing complicated change in the working environment for various business organizations. Human resource management and its leaders have been putting so much effort and relevant effort into creating proper solutions so that the British Gas can develop the capabilities in staying in the comparative space in business organisations so that they can compete and survive in the environment that is challenging (Ababneh, 2021). The employers in the business industry take the help of the fire and retire strategy so that they can have the ability in changing the terms and conditions so that they can make some end to certain agreements which are contractual basis and they can have the ability in constructing the new contract which can be done through the implementation of the rehiring process of the new employees on some terms that are considered unfavourable.

The main intention of the article here is to make a small overview of the practices that can be drawn within the business organizations in the labor of the United Kingdom. It is the fire and rehires which have been chosen and considered to be some of the relevant tactics in the UK which have been the sole responsible factor in leading to some legal consequences and the reason for that is the change in the terms of the contractual employment. Therefore, there has been some light shed on the article which will have the ability in showing what current legal implications and past factors have had an impact on employees and employers. In addition to that, there are various studies that have shown that these are some of the strategies or tactics which have had a major impact on employee engagement in various ways which can be taken as the main consideration for the study of the articles.

The main aim of the article will be laid on the evaluation of how HR shows great engagement and initiate actions that can have the ability to affect the traditional models of human resource management to manage employee relations in the current scenarios (Butterick and Charlwood, 2021). There will be the main evaluation relating to all the legal implications that will discuss the change in the terms of the contractual employment.

1. Reviews the practice of “fire and rehire” tactics within the UK labor market to evaluate the approach taken by different organizations

Fire and rehire is one practice that can also be known as the re-engagement of dismissal practices that can happen when the employer could make dismissal on the activities of the employees working in the business organizations or can make them offerings that can have them rehired based on new terms of the contract (Gope et al., 2018). It has been studied that the new terms are more valuable to employers. It has been seen that the tactics are mostly used by employers when the employers find that there are no possible ways for them to make any variation on the terms of the contract because of agreements. It has been considered that the tactic or these practices are claimed to be unlawful. However, it does imply that there can be dismissals the employers have the ability in making claims for any form of unfair dismissal. The major relationship between the employee and the employers is based on this principle which is mostly governed by the contract of employment (Heilmann et al., 2020). There are numerous ways where employers have the ability in seeking various terms and conditions in the contract of employment. There are some contracts that will be containing a cause that has the ability in allowing the employers in varying to certain terms of claims. There is no clause found then the employer has the ability in varying the contract with the employees' consent or the union's consent so that there can be some agreements made collectively (Hong et al., 2019). It is the “advisory, Conciliation and Arbitration Service (Acas)” which works as the guide to make some changes in the agreements of the employment which have the ability in providing details versions of preview which will be shown that there are various ways in which the employee's contract would be changed.

It has been observed that in any case if the employer cannot be reached any form of agreement with the employee on changing the contract, they can make certain decisions in dismissing the employee by giving them notice and offering them to re-employ them on terms that are renewed (Kawaguchi and Motegi, 2021). This static approach towards the employees is not unlawful as there are certain statutory protections that can come as appropriate as the Acas guidance in summarising that if the employer considers taking some options, they have to think about creating things first and they are as follows:

- In case the employer has reached the agreement by doing everything that is required
- If the changes are required or not (Kerdpitak and Jermsittiparsert, 2020)
- If there are any threats to the morale of the employees or to employee engagement

- The threat of legal actions

It has been considered that in many cases, the employer makes any decision to hire or dismiss any employee they must follow certain steps as follows:

- To follow processes having fair dismissal.
- In offering the employees to be provided with having the right in appealing against their dismissal criteria (Kitchot et al., 2020).
- To be able to provide notes to the employees.

It has been suggested that there should be no changes until there is any fair dismissal of the employees and if they are rehired within the new contract (Memon et al., 2020). In such cases, it has been followed that there are major legal protections which are appropriate:

- “The protection against wrongful dismissal” (Manzoor et al., 2019).
- “Protection against unfair dismissal”
- “Duty in consulting in some cases of conceiving redundancy”.

2.Explains the legal implications of changing contractual employment terms

Wrongful Dismissal can be occurring as when the employer has discarded the employee in the “breach of the contract”. It has occurred that when the employer has given an employee a relevant notice in seeking out the employment contract. It is claimed that wrongful dismissal is a concern that is brought in the civil courts (Muisyo et al., 2021). The court has been concerned with any form of fairness level during the dismissals process. Rather it can be viewed if the employers have complied with the obligations of the terms of the contract or not. With the Unfair dismissals, it has been stated that employees who have been working with the employer for more than two years are very much given protection from unfair dismissals. The protection has the ability in setting out in the “Employment Rights Act 1996” (Otoo, 2019). The dismissal will be unfair if the reason is fair and is not listed in the list of legislation and the decision of the employers has the ability in dismissing as it can be reasonable in some of the few circumstances.

There are a few reasons which have been seen that the potentially fair reason for the dismissive process is the “Some other substantial reasons” which is also known as SOSR. It has been sued whether the dismissals have been considered reasonable or not in any of the circumstances that it can show variations from various cases.. It has been seen that the new terms have the power in

agreeing to the reasonableness of the new terms which can be offered by the employer and can be relevant and not that decisive (Taamneh et al., 2018).

In “Catamaran Cruisers Ltd v Williams,” there has been the holding of the employment appeal tribunal that has the ability in making decisions about whether the dismissal was to be done in a fair and reasonable manner or not. It has been stated that the tribunals must be upfront in taking a balanced approach (Than et al., 2021) It should not only lay its aim on the contract's new disadvantages, but the employee should also be paying more attention to the advantages that they will be provided by the employers in the process of reorganizing. It is not directed that the process of reorganization should be essential in recognizing the survival of the business. However, it is simply implied that the case law recommends that any employer who will be needed to show that it was with some pressurized situations then it can have the ability in putting the employees on the contrast that are newly based (Zhou et al., 2020). There are some reforms that have the ability in providing protection for the employees in such cases.

- The amendment of the “Employment Rights Act 1996” is very important in making protections from the dismissal made on the fort’s day in any cases of re-engagement and dismissal (Ali et al., 2021).
- It has been seen that there are some amendments done to the “Employment right cat 1996 in producing that this re-engagement a dismissal of the employee is said to be unfair if the employers show that there are any alternatives to reasonable economics (Andreassen et al., 2018).
- There should be an amendment in the employment rights act 1996 that should be proving that when the dismissal of its reasonableness has assesses then it can be considered relevant in considering if the employer has made some consultations with the union and has received the agreement (Babalola et al., 2021).
- With the amendment of the Labour relations and the trade union which can be considered as the consolidation Act 1992, the employees and the workers have been counting towards the major threshold of 20 dismissals.

3.Considers the potential impact of any changes on employee engagement

Every contract of employment is treated as containing an imposed term of trust and confidence. It has the ability in making sure that employees are very much taken responsibility in being

aware of all the duties and tasks so that they can have the power in protecting the “staffs and their contractual legal rights” (Chhabra, 2021). It is also a relevant case that is tricky when the contract goes through this changing process. The employers of the British Gas would need or want this for various reasons. The employers have the ability in changing the details of the contract, but the employees have the considered all the rights of the employees in doing so. There are three significant ways which would be able to make the possible changes (Harris, 2020). The employers must speak and discuss with the employee and can ask them what they think about change and whether they want it or not and under this process it is the employees who need to make agreeable decisions. It is important for the representative of the employees to understand and knows about the change so they can also make a say in the agreements. It is required that if there is any clause in the contract then it can have the power in allowing the employer in making the changes.



Image 4: Sustainable HRM practices.

Source: (Juvani et al., 2018).

The term employee engagement is one of the concerns that would be relating to the level where the employee is the one possessing a fair amount of commitment and connection within the British Gas that they are performing under (Juvani et al., 2018). The concept of employee engagement has been coming up as the driver which is critical in the determination of the business success in the current marketplace which is competitive. It has a been stage that there are high levels of engagement which can have the ability in promoting the retention of the

employees those who are skilled and talented and has the power to foster customer loyalty and improve the performance of the organisations and the values of the stakeholders who show interest.

There are various professionals and executives in the whole world that state that when employee engagement is developed and one has to some optimum levels then it can be viewed as the business strategy at the global level (Kotera et al., 2020). It has been viewed that engagement not only has the potential to affect the retention of employees and the level of productivity in British Gas but also has the ability in linking to the satisfying of the customers, build the reputation of the company and enhance the stakeholder values in the business organization. There are various business organizations that have increasingly been adopting the approaches of HR management in setting various agendas for the concepts like employee engagement and their commitments to creating a huge range of competitive advantages. There are business professionals who have stated that employee engagement can directly affect the financial health of British Gas and it has the ability in increasing the company's profit levels (Shebaili et al., 2021). It has been observed that there are just 33% of the workers are involved in their jobs. There are 52% of the professionals claim that they are just been at work to show up whereas there is just 17% of them who are describing themselves as being disengaged on an active basis. Therefore, it can be understood that most employers have a huge tweak to do so that they can have the ability in unlocking the full potential of the whole workforce.

It has been seen that the concepts like productivity and engagement are the two factors that are most impacted by the cohesion of the social factors, and they can be affected when they are supported by the supervisors, the process of information sharing, vision, common goals, trust, and level of communication (Taouk et al., 2020). The employees have this desire to feel respected and valued by British Gas and they would want to understand whether the work that they are doing is meaningful or not and they would want to know whether the ideas that they create are heard or not in the business organizations. Studies states that the employees who are highly engaged and more participative in British Gas are more productive and show commitments that are ideal for the organization.

There are various ranges of definitions that concepts like employee engagement have which are ranging from this concise and brief way to a fully detailed and descriptive version. Some of the definitions have laid their focus on the commitment that the employees show in the business

organisation and their positive attitudes and behaviours has been discussed to show the qualities of the engaged employee (Wheatley, 2017). According to the quantum workforce, employee engagement is one of the core strengths for having emotional and mental interactions with the employees towards their place of work. As per Gallup, engaged employees have been seen as engaged individuals who will be more participative and enthusiastic when they are committed fully towards their workspace and work.

4.Evaluates HR involvement in this issue and consider whether traditional models of HRM provide an adequate framework for managing contemporary employment relations

There are two major approaches for HRM, which is, the traditional model for HRM and the modern HRM models are the two major frameworks to manage contemporary employment relations. The ***traditional model/approach*** is one of the models for HRM which can be applied to blue-collared workers, and it is applied in work atmospheres where it is mostly controlled and where the systems are very rigid. The workers in the traditional model very much own their autonomy and they often deviate from the policies and procedures of the company. It is the trade unions who have the dominating power in the work culture where they bargain various settlements and help in defining the pay scales and it is the level of seniority that makes the decision for the promotional opportunities. With the traditional approaches, human resource management is mostly focused on functional activities like HR planning, job analysis, maintaining employee relations, performance appraisals, training, and development.

The ***modern HR models*** and practices are very much focused on embracing qualities like empathy, and they largely focus on data, and they enable the analysis in driving various strategies. There are various systems in the HRM within the business organization that supports the companies in managing all the core HR functions and the main aim of the HRMS is to improve the overall productivity and efficiency of the HR department to streamline and automate the tasks with the help of technology.

Through the modern approaches of the HRM, Business organizations have their smoothening vision to transform their workplace into a more cultured space with individuals with a high-quality standard within. In the evolving stage of the modern world, HR leaders across the globe have identified making their priorities on the top list. Likewise, business organizations will be

focused on prioritizing more advanced and integrated human capital management solutions that can support, recruit, and retain talented employees.

The HR leaders in business organizations invest their precious time into nurturing and engaging with their employees so that they can be able to manage the performance of the employees effectively and help them in their professional development. The business organization's HR services combine all its ideas in combining the industry's expertise with powerful technologies so that they can be able to enhance the organisational HR function and employer the current function of the workplace for the future (Makedon et al., 2019). There is a team of HR professionals who are consistently developing a comprehensive infrastructure solution so that we could support our employees from hiring them to developing and then at the stage of retiring.

“Recruitment and selection” is a proactive technique to recognize and screen participants for the particular job role. Primary advantages of an effective “recruitment and selection” procedure required a power pool of participants, a perfect qualification screen, an energetic master plan alignment with the company target decreased turnover, and maximum morale. The different approaches of “recruitment and selection”:

- Job description - the responsibility centers duties burden and job. The strength of a job description is their work ethic, and the weakness of the job description is that they keep their eye on the information.
- Person specification - the knowledge, and standard skills they are seeking (although they are important or needed) the strength of the person specification is to make sure they are evaluating a participant on their capabilities connected to the role, and the weakness of this is a time-consuming procedure
- Reward package - wages details plus details of bonuses, organisation vehicle, off entitlement, although commission whether applicable. The strength of the Reward package is this permit the workers to know that identification and weakness have enhanced the pressure.
- “Clear information of how to apply” - with the deadline although their details of contact information. The strength of this is to enhance productivity, the disadvantage is time-consuming.

Learning, development and training: Learning and development are factors that have the potential to improve the performance of the employees working at business organizations. When business organizations invest in their training and development strategies for the employees then it will reflect that the business organization is fully committed to its working individuals in the company. The training and development sessions for the employees happen to help the employees learn basic skills and knowledge that are required from them to perform in the operational activities (Ogbonnaya and Messersmith, 2019). The limitation that the training and development of business organizations has been that sometimes learning the wrong things can waste their time. For example, if the company conducts sessions where the employees are engaged in writing tasks and conflict management tasks then these tasks will not contribute much to the employee's skills. Every working individual has their own way of learning things and going at their or own pace. Some business organisations sometimes become restless when the employees do not learn certain things in the training and development session quickly. The training and development should be conducted at the right time and at the right speed so that the employees can get the time to learn things easily.

Performance management: Performance management is very important in any form of business organisation. It can identify type right type of employees for its promotional activities. It has the potential to improve the “workforce planning” that includes “workload and delegation”. Performance management helps any company to reduce employee turnover and help the employees boost their retention. The main disadvantage of performance management is that it is very time-consuming. The management suggests its managers at least invest their time for more than an hour in its employees for writing their performance appraisals. It is observed that if the performance appraisal process is not pleasant then it can discourage the working individuals.

- Vroom Expectancy Theory : Vroom’s expectancy theory assumes that behaviour results from conscious choices among alternatives whose purpose it is to maximize pleasure and minimize pain. Vroom realized that an employee’s performance is based on individual factors such as personality, skills, knowledge, experience, and abilities. He stated that effort, performance, and motivation are linked in a person’s motivation. He uses the variables Expectancy, Instrumentality and Valence to account for this.

Expectancy is the belief that increased effort will lead to increased performance i.e. if I work harder then this will be better. This is affected by such things as:

1. Having the right resources available (e.g. raw materials, time)
2. Having the right skills to do the job
3. Having the necessary support to get the job done (e.g. supervisor support, or correct information on the job)

Instrumentality is the belief that if you perform well that a valued outcome will be received. Valence is the importance that the individual places upon the expected outcome.

Crucially, Vroom's expectancy theory works on perceptions – so even if an employer thinks they have provided everything appropriate for motivation, and even if this works with most people in that organization, it doesn't mean that someone won't perceive that it doesn't work for them.

At first glance expectancy theory would seem most applicable to a traditional-attitude work situation where how motivated the employee depends on whether they want the reward on offer for doing a good job and whether they believe more effort will lead to that reward.

However, it could equally apply to any situation where someone does something because they expect a certain outcome. For example, I recycle paper because I think it's important to conserve resources and take a stand on environmental issues (valence); I think that the more effort I put into recycling the more paper I will recycle (expectancy); and I think that the more paper I recycle then less resources will be used (instrumentality)

Thus, Vroom's expectancy theory of motivation is not about self-interest in rewards but about the associations people make towards expected outcomes and the contribution they feel they can make towards those outcomes.

Talent management: this is the main key to the success of the company, and it heavily relies on the level of “managing, attracting and retaining” the employees. Talent management works as a practice that has effective contributions towards the profitability, quality, and meetings of all the missions and visions of the business organisation. The ability to maintain and control the right

talent is a strategic tool. Companies use high standards identification tools that can identify the potential employees who are known through the clear process of “leadership competencies” and other “validated assessment instruments”. Then the talented individuals are given the right opportunities to help them develop their projects and international assessments. Companies these days have acquired various strategies and approaches that enable them to retain their talents which are valued and acknowledged. Talent management focuses on managing the financial incentives, Career Plans, and mentoring opportunities for talented employees: they also focus on retaining these talented employees by putting all the emphasis on how diversity and work-life balance so that the best talents and high-quality employees are hired in the workplace. There are various types of legislation that exist in the workplace to safeguard and protect employees from any forms of discrimination, and unequal and unfair treatment from their employers (Di et al., 2022). The anti-discrimination law has the power to protect its men and women from any form of inequality in pay and discrimination in the form of gender or social status. The anti-discrimination law helps employees with disabilities in the private sphere, federal or any other local sphere. The law also prohibits the “discrimination of employment” that is based on genetic information. The law helps employees protect themselves from any form of harassment at the workplace. “The equality Act of 2010”, is important legislation that helps people from any form of discrimination that is related to their characteristics like “age, disability, gender, marriage and civil partnerships, pregnancy, race, religion, sex, sexual orientation etc”.

Conclusion and Recommendation

It is highly recommended that business organisations use effective forms of leadership in their HRM practices. Leadership is a characteristic of individuals who are responsible for leading and managing people. Leadership duties include team motivation, guiding and mentoring the team members, teaching the team members with basic rules, and enabling them the roadmap where they can follow the leaders (Budur, 2020). The leaders are the individuals who are responsible for improving things and moving towards a better future that has visions. The role of leaders not only includes motivating their teammates, but they also are empathetic and sometimes interact

with their team members in such a way that will help them build healthy relationships with other members.

Effective Leadership and its approaches come with various advantages. Effective leadership comes with various moral values and strengths that help the leaders to contribute to bigger causes in the organization and society. Effective leadership enables the leaders to see the positive sides of their team members in an organization and the focus is to build their strength and empower them with strategies and do their work in the best way possible. The elements like trust, empathy, stability, and vision can make leaders go a long run (Charlesworth, 2021). Effective leadership also needs excellent communication skills, with proper effective communication skills leaders can share their objectives/vision with their team members and discuss that with them, where he/they may get constructive feedback and perspectives. Various leadership approaches can be used by leaders in an organization, one of the most effective leadership approaches is transformational leadership: this model works as a structure where leaders are considered the role models. In an organization, the model focuses on the performance level of each member and the values they have, by interacting with their personal self through group discursions or personal discussions (Kumar, 2020).

The second leadership approach that can be used is participatory leadership. In this model, a very democratic approach is accepted rather than a traditional one. The model identifies that the workers of the organization are the main stakeholders in the organization and are very much responsible for their voices. The participatory leaders are the ones who are responsible for empowering the employees and allowing them to take part in the decision-making process, where they can address various issues which they find difficult to digest. The model gives opportunities for the employees to make certain decisions where they are also valued for the input, they provide in the process of taking decisions (Top *et al.*, 2020). The one person who is responsible for ensuring that to the employees is the leader with effective leadership.

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