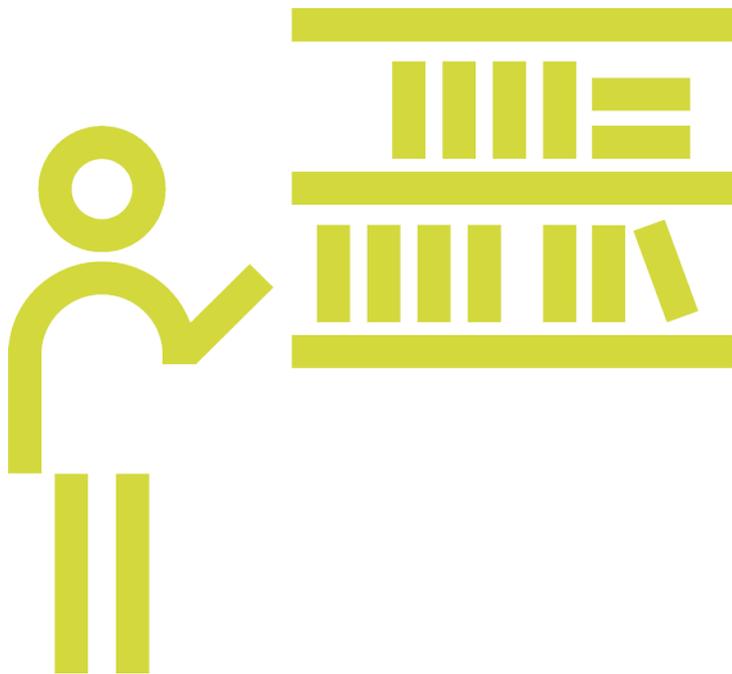


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NEWSBRIEF

Issue No. 87 (March 2018)



Customer Service Team: 0300 1100 1150

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[NW Region website](#)



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Acas training and Business solutions

Acas Northwest provide a variety of **training courses** and **business solutions** to suit a wide range of your organisational and people management needs.

Each of our training sessions is delivered by acas trainers whose experience and expertise of the workplace is geared towards providing down-to-earth advice and practical solutions.

Our training sessions are kept to small groups which allow delegates to discuss issues with the trainers and interact and share experiences with delegates from other organisations including Trade Unions.

Training events in the region

We offer training courses at various venues around the region and cover most elements of employment relations from the fundamentals, such as absence management and discipline and grievance; to the more advanced, such as Mediation including our accredited Certificate in Internal Workplace Mediation.

Training events in your workplace

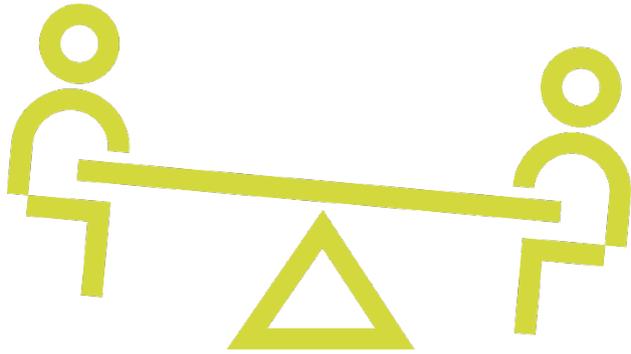
We also provide bespoke training programmes suitable for groups of staff who need training, which we can deliver at your workplace. You save time and money and will also be able to shape the session to concentrate on your requirements. After a free initial assessment an acas trainer will work with you to tailor the approach to your specific needs.

Contact Acas for more information on 0300 123 1150 or complete our on-line customer enquiry form.

Acas North of England Region-North West

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Are you minding the Gender pay gap?

The EHRC has published its draft policy setting out its planned approach to enforcing the gender pay gap regulations. All employers with more than 250 employees are required to publish details of their gender pay gap by 4 April 2018 (or 30 March 2018 for public sector employers) and every year after that. If an employer fails to publish their data the EHRC has the power to enforce this.

As the EHRC says "...we see our regulatory role as helping organisations achieve what they ought to do, not trying to catch them out if they fall short. We will continue to educate employers about the action they must take under the GPGR. Our overarching objective is to see compliance with the GPGR. In the first instance we will always seek an informal resolution where employers appear not to have complied."

In 2018/19, the EHRC intend to focus their enforcement work on employers who do not publish the information required by the GPGR. If they have the capacity to do so, they may also take action against employers for publication of inaccurate data, if they consider that it is necessary, proportionate and feasible to do so.

Following the reporting dates, they will assess the scale of non-compliance and decide whether it is necessary to take a staged approach to enforcement. If they do need to take a staged approach, they will divide non-compliant employers by industry and contact a tranche of randomly selected non-compliant employers within each industry.

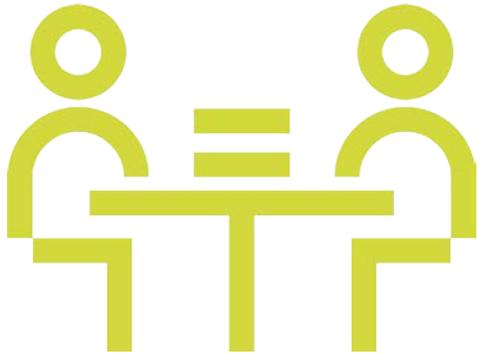
The initial approach will be to write to the employer asking them to confirm that they will comply with the reporting requirements within 42 days of the date of the EHRC letter by reporting retrospectively and that they will comply with the GPGR on or before the relevant reporting date in the current reporting year. The EHRC will monitor this and provided that the employer complies no further action will be taken.

If the employer fails to comply the EHRC may investigate and issue a notice requesting information. During the investigation the EHRC can offer the employer the opportunity to enter into a written agreement to comply with the GPGR as an alternative to continuing with the investigation.

Further enforcement powers follow if the Employer does not enter into the written agreement or enters into it but does not comply. This can include a court order and if the employer fails to comply with that then they can apply to the court for an unlimited fine to be imposed.

Consultation closed on 2 February 2018.

acas offers guidance and training courses on the [gender pay gap Regulations](#)



“Good Work”....More than just saying well done!

The Government has published its response to the [Taylor review](#).

Many of the proposed changes will be subject to further consultation.

Andrew Griffiths (the Parliamentary under-secretary for BEIS) has stated “we are not consulting on whether we are going to do all of this but how we are going to do it. Our ambition is strong” which indicates that the Government aim is to introduce many of the recommendations as law.

The Taylor report considered in detail the growth of the “gig” economy and the status of workers, the Government acknowledges that the application of new ways of working has resulted in the boundaries between employees, workers and the self-employed becoming more blurred and that there is a real risk of unscrupulous employers miscategorising their workers and employees as “self-employed”. They have issued a consultation paper asking a series of questions to determine whether there can be a single new all-encompassing employment status test (with reference to some of the tests used in other countries); whether the existing three categories of employee, worker and self-employed, should be maintained; which factors should be used or changed in determining these categories; and whether tax and employment should be aligned.

They are also consulting on :

- increasing transparency in the labour market
- agency workers
- enforcement of employment rights

The consultation closing dates vary between 9 May and 1 June and can be found on the [Government’s website](#)

The Government proposes to introduce legislation :

- enforcing vulnerable workers' holiday and sick pay for the first time
- a list of day-one rights including holiday and sick pay entitlements and a new right to a payslip for all workers, including casual and zero-hour workers
- a right for all workers, not just zero-hour and agency, to request a more stable contract, providing more financial security for those on flexible contracts
- introducing a new naming scheme for employers who fail to pay employment tribunal awards
- providing all 1.2 million agency workers with a clear breakdown of who pays them and any costs or charges deducted from their wages
- asking the Low Pay Commission to consider the impact of higher minimum wage rates for workers on zero-hour contracts
- considering repealing laws allowing agencies to employ workers on cheaper rates

Acas run regular [Employment law updates](#) which keep you up to speed with changes in Employment legislation.



The times they are a' changing

This year marks the 20th anniversary of the Working Time Regulations (WTR). It's arguably the most important piece of legislation concerning the way we employ people in the UK. And yet it is so taken for granted that its flagship birthday will pass largely unnoticed.

The legislation – which emanates from the EU Working Time Directive – gives UK workers the presumption of a maximum 48-hour working week, a right to rest breaks at work and paid annual holiday.

Now, it faces perhaps its toughest challenge to date. In December, newspapers reported that Michael Gove and Boris Johnson were among members of the cabinet calling for the WTR to be scrapped after Brexit. They are said to have broad support in the Conservative Party, including among influential figures such as Jacob Rees-Mogg and secretary of state for international trade Liam Fox, who has described the regulations as a 'burden'.

A plot to end the WTR has been officially denied, and conflicts with Theresa May's stated promise to preserve employment protections when the UK leaves the EU. But there are many who think the rise of unregulated gig economy roles, and the potential for new employment statuses to recognise the new economy, mean the legislation may need to be rethought in future.

What do the regulations mean in practice?

The legislation says workers in the UK can work no more than 48 hours a week on a 17-week average. Under-18s cannot work more than eight hours a day and 40 hours per week. It grants a mandatory right to paid annual leave of at least four weeks, including bank and public holidays, and a minimum 20 minutes' rest in any shift lasting more than six hours.

But many workers are excluded, such as those in jobs that require 24-hour staffing, the Armed Forces, emergency services and domestic servants, as well as those where working time is 'unmeasured' and essentially within the

worker's control. Employers can ask workers to opt out of the WTR at any point. But similarly, employees can change their minds at any time and opt back in.

Many are willing to opt out; for example, to ensure they receive overtime pay. But as no one can at present opt out of restrictions on working hours for night shifts or statutory rest breaks, repealing the WTR would allow more flexibility over shift patterns, affecting night workers, for example.

When it comes to holiday pay, the UK has already gone beyond EU law. The Labour government amended existing regulations in 2007, adding a further 1.6 weeks' annual leave entitlement to a maximum 28 days for a five-day-week employee.

Can the government scrap the regulations?

Not until the country leaves the EU, and even then it depends on the nature of Brexit. The 'great repeal bill' will enshrine legislation including the WTR in UK law after Brexit, but does not prevent it being amended over time. And if the European Court of Justice – whose guidance Britain may be required to follow, depending on the deal secured – begins issuing case law UK politicians find restrictive, the regulations may become an "easy target" for repeal.

What would happen if we didn't have the WTR?

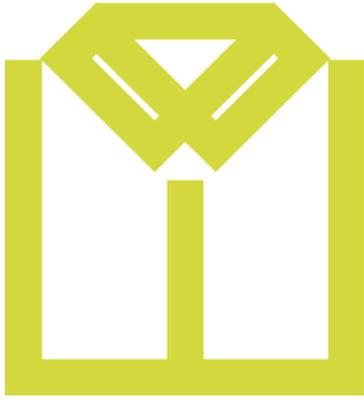
Charles Cotton, senior reward adviser at the CIPD, says removing the WTR would provide greater scope for some individuals to work for longer and earn more. However, given that it's already possible to opt out, most would see relatively little change.

Whether employees' hours were altered would depend largely on demand from employers and how concerned businesses were about the impact on health and safety, he says – and productivity has to be considered too.

However, removing minimum paid holiday and rest breaks would contradict the government's policy of improving employee wellbeing as the WTR's fundamental purpose is to improve health and safety at work.

It is also notable that recent decisions from the UK courts around holiday pay for example have emphasised how important it is for employees to take their holiday entitlement from a Health and Safety point of view.

Whilst there is so much uncertainty around Brexit at the moment the only thing we can be certain of is that there will be challenging times ahead.



Welcome to Civvy Street

A recent initiative by Barclays conducted with their employees who are ex-service personnel saw them take part in a games-based psychometric assessment that measured strengths and capabilities relating to performance-based traits in the workplace.

The results showed that veterans scored in the top 30% for social influence, creativity, rational decision-making, emotional resilience, and dealing with ambiguity.

Previous studies have revealed a reluctance among businesses to hire veterans, with almost one in 10 (8%) employers stating they would view applications from former military personnel unfavourably. One in five veterans (22%) are set to face significant employment challenges over the next five years. In 2014 a [British Legion survey](#) of the ex-Service community found that working age veterans are nearly twice as likely to be unemployed as their equivalents in the UK general population (11% vs 6%). This accounts to around 120,000 veterans who are unemployed.

Stuart Tootal, head of the Barclays Armed Forces Transition, Employment and Resettlement programme (AFTER), said that the findings show veterans are being wrongly overlooked by employers. "This research demonstrates the strength and depth of veterans' skills and helps to debunk the myth that military experience isn't relevant in the commercial world – a misconception many employers still hold".

The research identified emotional resilience as a particular area of strength, with just 9% of veterans falling beneath the potential range during an assessment, compared to 16% of the general workforce. This result was particularly significant as a third of veterans (31%) feel that perceptions surrounding their mental health, particularly relating to PTSD (Post-Traumatic Stress Disorder), could be detrimental to their chances of getting a job. As one veteran commented to the British Legion "Stereotypes of being, you

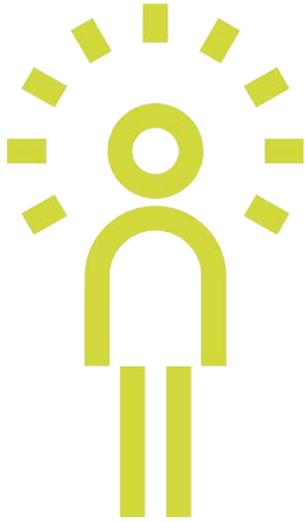
know, the Vietnam Vet in the corner. Can't do anything because every time I'm angry I might explode and grab a gun and shoot people".

Commenting on stereotypes surrounding the military, Tootal added: "Misunderstanding of military experience causes too many employers to write it off as being irrelevant when it should be seen as an asset. Through our first hand experience at Barclays we've seen that veterans have exactly the right skills and culture to add value to our workforce." The British Legion research also found that stereotyping was a significant issue during the recruitment process with one in six (15%) veterans being asked an inappropriate or invasive question when interviewing for a civilian job, one of the most common being whether they had killed anyone during combat.

Employers need to check that their recruitment processes do not discriminate against any section of society, not just because of potential breaches of the Equality act but also because this limits the diversity of their workforce and increase the potential for them to miss out on highly skilled people as the Barclays assessment shows. Managers need to be trained in Recruitment and also understand how significant unconscious bias can be in influencing the whole process from sifting job applications through to selecting the successful candidate.

Acas provides training on all aspects of recruitment and can advise on unconscious bias in the workplace and Equality and Diversity policies.

We promote good practice by offering tailored training based on our respected guidance; we provide online training through the Acas E-Learning OnLine site and other tools for organisations to diagnose themselves; and we offer a range of training courses and employer network forums. We provide [training](#) on all aspects of recruitment and can advise on unconscious bias in the workplace and Equality and Diversity policies.



Happiness...the greatest thing that we possess?

Germany's largest union is threatening strike action if demands for a better work-life balance are not met. Last year IG Metall asked for shorter working hours and a 6 per cent pay rise for a reported 3.9 million workers. Negotiations with German employers are ongoing, involving a proposed reduction in weekly working from 35 to 28 hours.

In the UK, full-time workers put in an average of 37.3 hours a week and, without the same union set-up and collective bargaining power as employees in Germany and the Nordic countries, their wellbeing is in the hands of individual employers and business leaders.

Initiatives to encourage employee engagement and workplace wellness range from flexible working to mental health support and financial or physical rewards for performance. Research suggests that such schemes can boost retention rates, reduce absenteeism and increase productivity.

A survey by YouGov suggests a lack of workplace wellness can have far-reaching side effects. Employees with a poor work-life balance tend to be more disengaged with life in general than the average person, with those aged 25 to 34 particularly at risk.

While more businesses in the UK are taking responsibility for workplace wellness, approaches vary and often lack strategy, says Rachel Suff, employment relations adviser at the Chartered Institute of Personnel and Development (CIPD). According to CIPD research, a third of the organisations surveyed had a formal wellbeing programme and fewer than half (43 per cent) of respondents said wellbeing was on senior leaders' agendas.

To be effective, employee engagement programmes must be reflected in and begin with a company's culture, leadership and people management, says Ms Suff. "Senior leaders have to buy into any initiative otherwise it will fail.

They're going to set the tone for the culture of the whole organisation," she says.

Lawrence Jones, chief executive of Manchester-based cloud computing and hosting company UKFast, has put employee wellbeing at the heart of his businesses. Initiatives include childcare provision, flexible working to accommodate families and personal milestones, an on-site gym and a financial reward for ten years' service.

As a business grows, senior management can become removed from the front line, making it more difficult to understand employees' individual engagement and wellbeing needs, says Mr Jones. This makes it imperative for leaders to create a culture where employee ideas are listened to and acted on.

Experts agree that a commitment to employee health and happiness needs to go beyond lip service from senior management. Employees need autonomy and the chance to have a say in how they do their work, says Adrian Wakeling, senior policy adviser at employment advice service ACAS.

"The things that really matter to employees are not slightly generic concepts about engagement, which have become a bit theoretical. The key ingredient of good employee relations is communication – there's been a shallowing of genuine consultation in the workplace," says Adrian.

Senior management can help HR teams advocate for engagement by both promoting what's available and showing real commitment. If flexible working is offered, executives should be seen to take it up, for example.

At UKFast, employee wellbeing is supported at all levels, from the company's leadership to its line managers, whose teams are purposefully limited in size to enable easier communication and more support for employee wellbeing. Engagement and wellness are not left to HR.

"We don't have an HR department. If you get the right people in and create the right environment, you'd be better off with a director of happiness than an HR director. It would be more proactive than reactive," says Mr Jones.

The key ingredient of good employee relations is communication – there's been a shallowing of genuine consultation in the workplace

HR can play an important role in employee wellbeing if its focus isn't just policy and procedure, but people, says Adrian Wakeling. Too much emphasis on compliance, especially when HR teams are downsized or centralised, rather than on people and how they interact with each other can undermine genuine engagement.

While Germany's unions fight on employees' behalf, in the UK the government could do more to support employee wellbeing by increasing tax allowances for training and introducing allowances for schemes to motivate employees, says Mr Jones.

Countries, such as Germany and Sweden are discussing or introducing shorter working to promote a better work-life balance and protect employees' health and are also planning for the future. Employers need to be looking to the future and considering the impact that changes such as automation will have on their employees' wellbeing. Maybe advertising for a Director of Happiness is not such a daft idea after all!

Please note this Newsbrief is compiled from a number of sources including reports in the media, various publications, and information available from the Internet. It is not intended to be an authoritative document.

If you have any comments about this Newsbrief please contact Karen Lerner on 0330 109 3348 KLARNER@acas.org.uk in the first instance.