



making work work

Acas North of England Region – North West

NEWSBRIEF

Issue No. 81 (September 2016)



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[NW Region website](#)



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Gender Pay Gap Reporting Modern Slavery The Apprenticeship Levy Immigration Act 2016

How will the changes affect your business? You might not think they will but the chances are they will have an impact on you either directly or indirectly.

Check out with the professionals what it means for you.

Acas Employment Relations Forum

Lowther Castle, Penrith, 5th October
Village Leisure Hotel, Warrington, 10th October
Leyland Hotel, Leyland, 19th October
Liverpool Anglican Cathedral, 4th November
The Place Hotel, Manchester, 11th November

£60 including Lunch
BOOK NOW 0300 123 1150

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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Sexual harassment in the workplace

The [TUC have published a report](#) into Sexual harassment in the workplace which has produced some alarming findings. The key results are that:

- More than half (fifty two per cent) of all women polled have experienced some form of sexual harassment.
- Thirty-five per cent of women have heard comments of a sexual nature being made about other women in the workplace.
- Thirty-two per cent of women have been subject to unwelcome jokes of a sexual nature.
- Twenty-eight per cent of women have been subject to comments of a sexual nature about their body or clothes.
- Nearly one quarter of women have experienced unwanted touching (such as a hand on the knee or lower back).
- One fifth of women have experienced unwanted sexual advances.
- More than one in ten women reported experiencing unwanted sexual touching or attempts to kiss them.
- In the vast majority of cases, the perpetrator was a male colleague, with nearly one in five reporting that their direct manager or someone else with direct authority over them was the perpetrator.
- Four out of five women did not report the sexual harassment to their employer.

This research confirms that harassment within the workplace is an ongoing problem and chimes with recent [ACAS research](#) which found that bullying and harassment in the workplace is on the increase.

One of the problems in tackling harassment is the reluctance to report it , as the TUC says:

Attempts to quantify incidents of sexual harassment are further complicated by victims' reluctance to share their experiences, even anonymously, or a reluctance to name what happened to them as sexual harassment. Examining official reports of sexual harassment, such as national crime statistics or tribunal data, would be fruitless as research has identified that few victims of sexual harassment take formal action.

The question is how can these issues be tackled? The Acas research consistently shows that bullying is most common in organisations with poor workplace climates. It is best prevented by strategies that focus proactively on ensuring worker wellbeing and fostering good relations, giving employees and managers the confidence to engage in early and informal resolution and this is echoed by the TUC recommendation that:

In order to tackle workplace sexual harassment, employers must ensure they adopt a top-down approach, working with all employees and managers and, where there is a recognised union, working in partnership with unions.

Equality and diversity - Acas business solutions

We can visit your organisation to help you understand what needs to be done to address a range of issues related to equality and diversity and then work with you to develop practical solutions. For example we can help you develop dignity at work or bullying and harassment policies and procedures. Find out more from our **Equality and diversity: how Acas can help** page.



Employers fail to support sick staff

Employers are doing far less to support the health and wellbeing of their staff than many of their employees believe, research has revealed.

Seven in ten employees in small and medium enterprises (SMEs) believed their employer would support them during long absences, and more than half thought they would continue to be paid, according to a survey by insurance firm Ellipse.

But more than a third of employers (35 per cent) said they would not pay anything at all after the statutory sick pay period, and two in five (43 per cent) said they would pay only a part of the salary. Just 6 per cent said they would go on paying the full salary after the period and only one in ten SME employers had insurance for sick pay.

Wellbeing integral to business strategy

Too few organisations are thinking about how a culture of wellbeing could be established at work to support the overall business strategy, a report from the Chartered Institute of Personnel and Development said.

One-off wellbeing initiatives were no substitute for 'proactive' employee wellbeing programmes based on sound management, leadership and a supportive workplace culture, it said.

Only 8 per cent of UK organisations had a standalone wellbeing strategy to support its business strategy, and the majority (57 per cent) took wellbeing into account in business decisions to a little extent or not at all, its research found.


Wellbeing never more important

The direct financial costs associated with absence and presenteeism is often worse for SMEs, a report from the Work Foundation said. Smaller firms may struggle to get cover for absent staff, leading to loss of business, operational difficulties and an inability to meet customer relations, it said.

Its recommendations included creating a dedicated portal for SME health and wellbeing information, awareness-raising of existing initiatives, and investment in training programmes to meet SME needs.

Professor Sir Cary Cooper, President of the CIPD, said, 'In the fast-changing world of work, wellbeing has never been more important. With the UK at the bottom of the G7 and near the bottom of the G20 countries on productivity per capita, the way we manage people and create cultures that enhance wellbeing are now bottom-line issues.'

Acas publications and services

Acas has information on how work can have a positive impact on **Health and wellbeing** and has published the  **Advisory booklet - Health Work and Wellbeing [603kb]**.

There's also detailed information on **Managing absence**, including **Managing staff absence: A step-by-step guide**, which is designed to small firms cope with sickness absence situations.

Acas experts can visit your organisation and help you develop and introduce an effective health, work and wellbeing policy and culture. For more information see **Health, wellbeing and managing attendance**, or call the customer services team on 0300 123 1150.

Practical Acas training is also available on the related areas of **Health, work and wellbeing**, **Stress**, **Staff retention**, **Absence** and **Creating an attendance culture**.

For free, impartial advice on any employment relations issue, call the Acas Helpline on 0300 123 1100, or consult Acas **Helpline Online**.

Visit the Acas **Training and Business Solutions** area for more information

Speaking on the programme, Norman Pickavance, former HR director of Morrisons and a commentator on pay issues, said: "I think the fact that, in this day and age, some employers are using the introduction of the NLW, which was really designed to help raise living standards in the UK, as an opportunity to cut other benefits so that their overall cost base doesn't increase is really scandalous."

Many organisations, including retailer Tesco, said the recent changes to their pay and rewards systems have "nothing to do" with the implementation of the NLW, but are an attempt to reduce the overall reliance on overtime working and ensure employees doing the same job are paid the same amount.

In contrast, a survey from the [Resolution Foundation](#) states that employers have responded to the new National Living Wage (NLW) by raising prices or reducing profits rather than cutting jobs

It comes after the Office for Budget Responsibility predicted it would lead to 60,000 job losses by 2020.

Five hundred companies, covering a range of UK businesses, were questioned just before the Brexit referendum of which 215 said that the new NLW had impacted their wage bill.

Some 36% of those affected by the NLW said they had put up their prices to compensate for the higher wage cost, while 29% said they had reduced their profits.

Despite reports of some employers cutting back on staff terms and conditions, the survey found that only 8% had cut paid breaks, overtime or bank holiday pay.

Separately, the not-for-profit Resolution Foundation think tank warned the UK's decision to leave the EU could affect the government's new wage policy.

Weaker wage growth, it said, could reduce the current projected real terms value of the NLW by up to 40 pence an hour by 2020.

A spokesman for the Department for Business said: "The government wants to move to a higher wage, lower tax and lower welfare society and the National Living Wage is a crucial part of achieving this...We recognise that employers are responding to the NLW in a variety of ways depending on their circumstances. The Low Pay Commission will recommend the level of the NLW going forward to make sure that wages rise to reward workers while considering the impact on the economy."



Time to get Emotional?

Acas' have published a new policy paper ['The road less travelled? Taking the informal route to conflict resolution'](#) to encourage managers to use emotional intelligence to resolve problems at work before they get out of hand. There are several reasons why the informal route is often the best option:

- **It's Cheaper:** on average, an employee grievance takes up more than two weeks of management time and each disciplinary case takes 18 days (CIPD figures). Compare that to a well-timed 'informal chat'
- **Better for wellbeing and team morale:** a recent Acas paper on tackling bullying at work suggested that 'codes of conduct' agreed between teams might be one of the best ways of promoting positive behaviours and reducing conflict
- **Less damaging to productivity:** Acas has identified 'seven levers of productivity'. Four of the levers offer a useful prescription to organisations looking to minimise the disruptive impact of conflict:
 - Skilled line managers (Lever 2) have...
 - ...clarity about rights and responsibilities (Lever 4), and are able to...
 - ...manage conflict effectively (Lever 3) with a sense of...
 - ...fairness (Lever 5)

But the informal approach is not without its difficulties. For example, we know that:

- Many managers don't have the confidence to handle conversations that can be quite emotive and challenging

- Many employers do not recruit people with the right competences – ‘conflict management’ is certainly not seen as a management priority
- There is a growing tension around who is responsible for managing conflict, should it be Leaders, HR managers or Line Managers?

Whoever is tasked with putting this into practice will need :

- A real sense that they are part of a broad organisational commitment to tackling conflict at the earliest opportunity and to developing a culture that promotes wellbeing, diversity and fairness.
- Belief in themselves. It's OK to use your interpersonal skills but back these up with a deeper understanding of human psychology. The Acas paper looks at two areas that might help: ‘self-determination theory’ (the degree of freedom you have to make your own decisions (and your own mistakes!)); and ‘attachment theory’ (the nature of attachment an employee has with their manager – this is often influenced by many developmental and environmental factors)
- The chance to practice controlling one’s emotions and reflecting on those presented by others. Managers need a safe and supportive environment to test out their interpersonal skills. Being informal can be a little scary, as you offer a bit of yourself in the hope of a reciprocal exchange and greater understanding.

It would be absurd to suggest that managers need an in-depth psychological profile of their staff in order to know how to interact with them and prevent conflict. But there is scope for us all to learn a little more about what triggers our emotions and the impact they have on others.

This is where training in [emotional intelligence](#) for managers when it comes to looking after workplace relationships can pay dividends both in terms of employee engagement and productivity.

Did you know?

Acas run practical **training courses** to equip managers, supervisors and HR professionals with the necessary skills to deal with employment relations issues.

Managing conflict in the workplace - Acas business solutions

We can visit your organisation to help you understand what needs to be done to address a range of issues related to conflict, disputes and mediation and then work with you to develop practical solutions. **Find out more.**



Modern Slavery supply chains

The Modern Slavery Act 2015 was hailed by the Government as 'world leading' legislation to counter slavery and trafficking in the 21st century.

In 2014 the Global Slavery Index estimated that there were 8,300 people in modern slavery in the UK. But modern slavery is primarily a cross-border problem, with an ever-present danger that goods and services sold in the UK may have been the product of slave labour somewhere else in the supply chain.

Under Section 54 of the Act which came into force in October 2015 will large employers – defined as those with a total turnover of at least £36 million a year – are required to make a slavery and human trafficking statement. They have to outline the measures they have taken to ensure that slavery and trafficking are absent from supply chains.

The statements have to be prepared each financial year and may contain information on a company's supply chain structure; due diligence processes; a risk assessment about parts of the supply chain where there may be a problem; measures taken to counter that risk; and training on the issue offered to staff.

The statements have to be signed off by the top tier of the company and published.

There are no financial or criminal penalties for failing to comply with section 54, although the Government does have the power to apply to the High Court for an injunction to require the organisation to comply. The Government hopes that the negative publicity and damage to reputation will be enough to compel organisations to willingly publish the statement.

Many smaller businesses have assumed that the Act does not apply to them as they are below the turnover threshold. However, the larger organisations who are subject to the Act will need to carry out due diligence on those within their supply chain to establish that slavery and human trafficking is not taking place at any stage in the chain, and those suppliers will in turn need to do the same.

As a result, it will become more common for supply contracts to contain provisions requiring the supplier to confirm that they comply with the Act

and/or any anti-slavery policies of the organisation, and to confirm that those in the chain below them are also compliant. In order to comply with the contract the supplier will need to carry out investigations of its own supply chain, and may wish to consider including similar provisions in supply agreements with its suppliers.

Whilst this may prove onerous for smaller organisations they will have little choice if they want to continue their business relationships with larger organisations. Any supplier will need to carry out investigations with any other supplier further down the chain of supply before signing any agreements with larger organisations which contain anti-slavery clauses to ensure that they are and can remain compliant with the provisions for the duration of the contract and will need to have a similar clause in their contracts with those suppliers.

Acas collective conciliation: Evidence of success and impacts

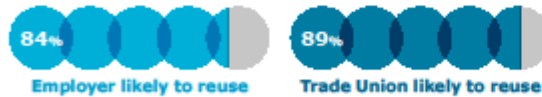


Views of the service overall

Satisfaction with the conciliation service¹



Likelihood of using Acas in the future²

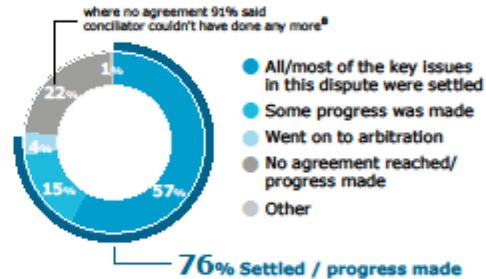


Movement required from initial position to reach a settlement³

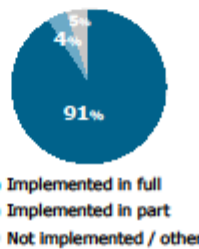


Views of conciliation outcomes

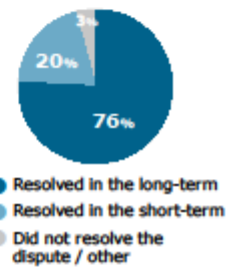
Parties' assessment of conciliation outcome⁷



Implementation of the settlement agreement⁸



Effects of the settlement agreement⁹



Views of the conciliator

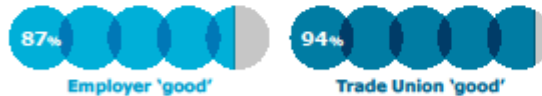
Top three conciliator skills identified as being the key drivers of settlements⁴



Conciliator rated as good at... ...remaining impartial⁵



...establishing a rapport with you⁶



Further benefits of conciliation

Long-term impacts of conciliation¹¹



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 Larner on 0161 833 8563 KLARNER@acas.org.uk in the first instance.