



## Employment Law update June 2017

### Work Breaks and the Law

Are you aware of your obligations to staff for work breaks? A detailed breakdown is below:

All employees are entitled to at least 11 consecutive hours' rest in every 24-hour period. Employees aged under 18 years should take at least 12 consecutive hours' rest in every 24-hour period.

All employees are entitled to at least 24 consecutive hours' rest in every 7 days or one period of 48 hours over a period of a fortnight.

All employees are entitled to a rest period of at least 20 minutes after 6 hours of work. Those aged under 18 years are entitled to a rest period of at least 30 minutes after 4.5 hours of work.

Employees are entitled to a rest away from their usual workstation.

*If you regularly fail to adhere to these breaks it may be time to review your contractual terms.*

### Culture and Engagement in the Workplace

The culture of any business drives employees towards their goals and can determine the success or otherwise of that business. A strong company culture will help employees understand how they ought to behave and what they are expected to do to be successful at work. Here are some tips on building a strong and effective culture:

- 1. Have a clear purpose and know your company values**  
Aligning behaviour with values and standards will help determine a cohesive culture. Be clear about the aspirations and ethics of your business. This is key to engaging employees. Communicate the values at every opportunity. Make sure people understand what they mean and how their behaviour reflects those values.
- 2. Lead by example**  
Leaders in the workplace should reflect these core values and the company culture in a way that drives and engages their teams. Management should be approachable and work alongside employees when necessary.



### 3. Listen to your employees

Encourage employees to share ideas and input. If you ask for opinion, act on it. Employee engagement surveys are a useful tool for this and allow the business to seek anonymous views on specific areas of working.

### 4. Look after your employees

In order for employees to fully embrace company culture, they need to feel engaged, valued and respected. Looking after the wellbeing of your staff is an important element of creating a strong company culture.

Developing a strong culture, while ensuring people engage and feel a part of the company is not easy. Company cultures reflect the attitudes and influences of senior managers and this must not be forgotten. Employee engagement only occurs when the right conditions exist so that all staff give their best each day, behaving in a way that shows their commitment to their organisation's goals and values, their motivation to contribute to organisational success and gives them an enhanced sense of their own well-being.

Employee engagement is based on trust, integrity, two way commitment and communication between an organisation and its members. It is an approach that increases the chances of business success, contributing to organisational and individual performance, productivity and well-being.

121 works with organisations to help them embed and integrate their values to create a strong culture that nurtures employees and leads to high levels of engagement. We can help organisations define their values, working with your teams to help them understand how those values impact on business success.

We can also help you ask the right questions, using an engagement survey, to gauge the engagement levels of your staff; and ultimately assess if your business has a strong and healthy culture. Using the results, we can guide your business to cultural success.

***If you think 121 can help your business, why not contact us to discuss culture change and engagement surveys? Email us at [enquiries@121hrsolutions.co.uk](mailto:enquiries@121hrsolutions.co.uk)***



## **QUESTION AND ANSWER CORNER**

***Q: Must an employer continue to pay all benefits, including childcare vouchers, during an employee's Maternity Leave?***

**A:** All terms and conditions of employment (except for wages and salary) continue to apply during both ordinary and additional maternity leave. Childcare vouchers are considered benefits in kind, and as such you must continue to provide them throughout any period of maternity leave. In addition, employees must not be subjected to any type of detriment for taking maternity leave. Therefore, any avoidance of paying childcare vouchers (or any other benefit) to employees on maternity leave is likely to be considered sex discrimination.

***Q: We have been notified that an employee is in prison. Can we go ahead and dismiss the employee because they are in prison?***

**A:** Case law has established a number of factors that an employer must consider in such circumstances. These are:

- The nature of the offence.
- The length of the sentence.
- The nature of the employee's job.
- The effect of the employee's absence on the business.
- The damage (if any) to the employer's reputation.

You should carry out an investigation and conduct a fair disciplinary procedure, as far as possible in the employee's absence, before deciding whether or not it would be reasonable to dismiss him or her.

If the employee is likely to be in prison for a long time, it may be fair for the employer to dismiss him or her on the grounds that he or she will be unable to perform the contract of employment — known as frustration of contract. You must still carry out a fair procedure and act reasonably in dismissing the employee for that reason.

However, frustration of contract is unlikely to apply for a relatively short prison sentence. There is a considerable difference between 10 years for a violent crime and three weeks for non-payment of maintenance. If the employee is imprisoned for a short time, for an offence that is unrelated to his or her work, it may be reasonable for the employer to hold the employee's job open until he or she returns.



Alternatively, if the offence relates to the employer's business or the employee's actions have affected the reputation of that business you may be able to dismiss him or her for some other substantial reason (SOSR).

**If you have a particular question that you would like answered email [training@scottishwholesale.co.uk](mailto:training@scottishwholesale.co.uk) or call 0800 9995 121 and we will publish next month – all names will be removed to ensure confidentiality.**