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Changing the Way Businesses Do HR

Employment Law update September 2018

Homeworking tips for employers

With increasing numbers of employers providing flexibility to their staff to work from home, homeworking as a method of working is relevant to many jobs. Homeworkers are covered by health and safety law in the same way as any other employed worker.

Below is some guidance for employers:

- Any organisation that wishes to implement a working from home arrangement should develop an appropriate policy.
- A job carried out effectively away from the main workplace can bring benefits both to the employee in terms of flexibility and to the employer in terms of reduced overhead costs.
- Employers are required to assess all significant risks and to make adequate arrangements for managing the risks to homeworkers.
- People working from home must be provided with adequate support to enable them to do their jobs efficiently.
- If display screen equipment (DSE) is to be used, employers must ensure that a DSE assessment is carried out with the homeworker and that health and safety requirements are met, including eye tests and the provision of appropriate equipment.
- Employers must ensure that any substances are assessed and suitably controlled and should provide appropriate personal protective equipment.
- Homeworkers should be trained in the use of any equipment provided, which should be suitable for the job, regularly maintained and appropriately guarded.

Monitoring in the Workplace

Employers must be clear with their staff about their email and internet monitoring policies, after a new report from the TUC revealed more than half of UK workers believe that they are monitored at work.

The national survey of more than 1,200 UK workers found 56% of people felt that monitoring was going on in the workplace, including CCTV, browsing history and phone logs. There are many legitimate reasons why employee data may be used for monitoring purposes, such as in high risk, lone-working roles. It is important that employers are transparent about their use of data to monitor their workforces.

Any employer which has computers or online systems and allows employees to use them should have a policy reserving the right to monitor use of these systems. But employers must have reason to conduct the monitoring and cannot simply read personal emails on a casual basis without good reason. Failing to warn staff that monitoring is taking place could have legal consequences.

Covert monitoring can only be justified in exceptional circumstances. Employers should explain the reason for monitoring and how they intend to use any collected data. It is important that employers don't go "fishing" without having due cause to do so. And if they do find something that they wish to raise with the employee, they need to be able to demonstrate why they were looking for it in the first instance.

While recent changes to data protection law via the General Data Protection Regulation have further safeguarded the limits to monitoring of staff, the TUC called for new protections to ensure employers only use surveillance for legitimate reasons, and the introduction of tougher enforcement measures to ensure workers are informed of monitoring technologies.

Applying Absence Management Policies

The number of people attending work while ill has more than tripled since 2010. A recent report has found that 86% of 1,000 organisations surveyed had noticed staff coming to work while ill – compared to just 26% eight years ago.

Sickness in the workplace is inevitable but it is important to have clear policies relating to the reporting and monitoring of absence:

- Employees should report their illness in advance of the time they are due to start work
- There should be a specific policy in contracts or handbooks setting a deadline and stating who to call in the event of absence
- Employers are not legally obliged to allow staff time off work for visits to the GP or dentist. The policy can state that employees attend these appointments outside of work hours, take annual leave or make the time up later on.
- If an employee is ill for seven calendar days or more, they need to supply a GP's fit note. For absences of seven days or fewer, employees can self-certify.
- Those who are employed, earning at least £113 a week and who have been off work for four consecutive days are entitled to statutory sick pay (SSP). The current rate of SSP is £89.35 per week and can be paid for up to a maximum of 28 weeks for the days employees usually work. SSP is payable after three 'waiting days' of absence.

There is no rule that says an employer cannot contact an employee during a period of sick leave. However, contact should be handled sensitively, particularly where someone is suffering from mental health problems or work-related stress and they might find regular contact from their employer distressing. Again, the policy should set out the amount of contact and by whom, during absence.

Misuse of Social Media at Work

Workplace social media policies are increasingly required to counteract inappropriate employee use of social media.

The majority of employees have access to Facebook, Twitter, Snapchat but despite this, according to a recent survey, almost one third of UK companies still don’t have social media policies in place.

In 2001, a pub manager was dismissed for gross misconduct after posting offensive comments on her Facebook account after a disagreement with customers. The employer had a comprehensive social media policy, which influenced the tribunal’s decision to uphold her dismissal.

But what about LinkedIn? A recent case looked at the ownership of a client database brought to the company by a new employee and concluded that an employee’s contacts stored electronically in Outlook belonged to the employer, regarding it as the employer’s property as it was created in the employer’s time using its resources and under its control and supervision.

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