

The Legal Implications of Remote Working

Government advice to work from home may have changed, with employees encouraged to return to the office, but remote and hybrid working is here to stay. So, what should you consider in terms of legal obligations as an employer?

Supervision – Make sure your remote working policy covers how to supervise employees. It should provide guidance to managers to ensure fairness and consistency. Reporting in procedure should be made clear, and managers should be aware of signs of stress and isolation fatigue.

Equipment – Employers should consider what IT equipment and other resources an employee will require to work from home. There is no obligation on an employer to provide computer or other equipment necessary for working at home.

Working hours – It should be made clear whether the employee is required to work strictly during office hours, or a specified number of hours per day on a flexible basis. Remember that the Working Time Regulations 1998 still apply, including the working week and daily rest break. Employees should be discouraged from working outside of their specified hours.

Risk assessments - Employers have a general duty to conduct risk assessments of all home and workplace activities, identifying any hazards and assessing associated risks. For long-term working from home workplace risk assessments will be needed at home at some stage. Permanent hybrid or remote working means suitable risk assessments are needed. As some employees will have been working at home for over a year, employers should at the very least ask employees to do a workstation assessment. The Health and Safety executive provides checklist which can be given to employees. (Specific regulations cover display screens-The Health and Safety Display Screen Equipment Regulations 1992.)

Mental health - Home working risks can include loneliness, inadequate supervision, stress, problems with work life balance and increased exposure to family issues. Available strategies include mentoring, regular contact and communication, monitoring stress levels, well publicised systems for reporting mental wellbeing issues and social online events.

Data protection - Employers should make sure data protection obligations are maintained. An employee using their own computer should still process information in compliance with data protection principles.

If you need any help with managing your remote working, or checking your remote working policies, please contact david@agilehrconsulting.com

Absence Management

Absence in the workplace is one of the top issues that arises in most companies but is also one of the top issues that is not followed up. The average UK worker takes 6.3 sick days per year, and that absence could be costing the UK economy as much as £16bn. When you look at it that way it's not such a small problem and it could be one that's costing your business.

At this current point in time, we are still seeing an increase in sickness due to the pandemic, and one of the least spoken about is 'long covid.'

Long covid can have a variety of symptoms and can include extreme fatigue, shortness of breath, brain fog, insomnia and joint pain to name a few.

Monitoring absence.

One method that is used to monitor absence is the Bradford Factor. The Bradford Factor identifies persistent short-term absence for individuals and is therefore a useful measure of the disruption caused by this type of absence. It's calculated using the formula: $S \times S \times D$.

Where S = number of spells of absence in 52 weeks taken by an individual
and D = number of days of absence in 52 weeks taken by that individual.

For example:

10 one-day absences: $10 \times 10 \times 10 = 1,000$

1 ten-day absence: $1 \times 1 \times 10 = 10$

5 two-day absences: $5 \times 5 \times 10 = 250$

2 five-day absences: $2 \times 2 \times 10 = 40$

Managing short-term absence

Return-to-work interviews can help identify short-term absence problems at an early stage. They also provide managers with an opportunity to start a dialogue about any underlying issues which might be causing the absence.

Promoting a positive attendance culture, while emphasising that genuine sickness absence will be supported, can help to ensure illegitimate absence is not tolerated and attendance-focused initiatives are supported.

Managing long-term absence

Long-term absence is usually defined as lasting at least four weeks and can be challenging to manage.

Occupational health is one avenue to look into, this seeks to promote and maintain the health and wellbeing of employees, with the aim of ensuring a positive relationship between an employee's work and health.

Look at implementing risk assessments to help the return to work, this could include looking at a flexible working approach, changing work patterns or changing their working environment.

If you need any help with managing or monitoring absence, or checking your sickness & absence policies, please contact amy@agilehrconsulting.com



A Brief Guide to Diversity and Inclusion in the Workplace

Diversity is where we recognise that everyone is unique and by having their own qualities, they can bring different insights, perspectives and ideas to your organisation.

Having a diverse workforce means that you understand that everyone has a different background and by valuing this, it will ultimately bring your organisation together.

What are the benefits of a diverse workforce?

- Higher Employee Engagement;
- Increased Talent;
- Better Company Reputation;
- Different Perspective & Ideas;
- Increased Productivity.

Inclusion is valuing people's differences and using them to ensure everyone is able to succeed in their work. Being inclusive ensures that all employees feel they belong in the organisation without having to conform and are able to work and develop to their full potential, no matter their background or identity.

By having an inclusive organisation you recognise that not everyone can be managed or supported in the same way and if you tried to do this, not everyone would have equal opportunities to succeed. It's important to find a balance between being consistent and fair with all employees and also being flexible to support the employee and business needs.

Employees in the UK are protected from discrimination and being treated unfairly at work. The protected characteristics are as follows:

Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and Sexual Orientation.

Any discrimination at work will affect your employees' wellbeing, performance, abilities and opportunities.

How can you manage inclusion and diversity?

- Train all employees so that they understand the importance of diversity and inclusion and how they will engage with it within their roles and with their colleagues;
- Ensure that all managers are following and supporting the procedures and policies that are in place;
- Keep up to date with legislation;
- Highlight behaviours that are not acceptable in the workplace;
- Make it clear that it is everyone's responsibility to uphold the standards of the organisation;
- Ensure the company have an open culture with regular and active communication channels;
- Focus on fairness and transparency between the employees and employer.

If you would like to know more about diversity and inclusion and how you can incorporate this fully into your organisation, please contact chelsey@agilehrconsulting.com