



# HR UPDATE

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## ACHIEVEMENTS THIS QUARTER



It's been a busy few months since our last newsletter in June.

We are very pleased to announce that we made Finalist for the HRI Awards 2024 for Emerging Talent!

The winner will be announced at the HR Indies Annual Conference 2024 in London on 27 September.

**Claire McIntosh is now a CMC Associate Mediator and we have expanded our service offering to provide workplace mediation.**

Workplace mediation can be used to resolve a variety of disputes, for individuals and teams. It may be helpful to resolve issues between managers and staff or between employees. It can also be used as a process to help implement change.

A recent ACAS study showed that of those who went through mediation, 74% said their conflict was fully or largely resolved.

**CMC Associate Mediator 2024**



## NEW SEXUAL HARASSMENT DUTY

From 26 October 2024, you'll face a new mandatory duty to take reasonable steps to prevent sexual harassment in the workplace under the Worker Protection (Amendment of Equality Act 2010) Act 2023.



### What does this mean?

If there is an allegation of sexual harassment in your business, you'll have to demonstrate that you proactively took 'all reasonable steps' to prevent sexual harassment from happening.

### What happens if you don't take action now?

If a case goes to an employment tribunal and you are found to have breached your duty, the compensation awarded could be increased by up to 25%.

You could also find yourself being investigated by the Equality and Human Rights Commission.

### What do you need to be doing now?

- Conducting risk assessments specific to your workplace.
- Implementing clear and updated policies on sexual harassment.
- Providing mandatory training to all staff on identifying and preventing harassment.
- Encouraging a culture of reporting and openness.
- Regularly surveying staff to assess risks and concerns.

**Need help? Get in contact**

## QUIET VACATIONING

New research from Harris Poll reveals a growing trend among employees - 'Quiet Vacationing'.

This phenomenon, particularly popular among Gen Z and early-career workers, sees 28% of employees taking unofficial time off without informing their boss.

Among younger workers, this number jumps to 37%.

Practices include taking longer lunch breaks, wiggling the mouse to appear active and auto-scheduling emails for out-of-work times to give the impression of going the extra mile.

While it may seem cheeky, it's not necessarily a sign of laziness. Instead, these behaviours could be driven by a desire for a better work-life balance and flexibility to prevent burnout - and the underlying issue may be a cultural one.

Rather than stigmatising these behaviours as signs of idleness or low productivity, employers should focus on building trust and promoting a healthier 'work smarter, not harder' mindset.



## THE GOVERNMENT'S 'NEW DEAL FOR WORKING PEOPLE'

The Labour government intends to introduce new employee-centric legislation known as the, 'New Deal for Working People'. The government is aiming to have the draft legislation ready within the first 100 days of being elected (circa 12 October). A consultation period will follow lasting about 3 months.

**So, what are the proposed changes, what do they mean for your business and what should you do now? According to the Labour government:**

### Day one rights

This new legislation will include basic rights such as protection against unfair dismissal (rather than the current 2 years (with exceptions)), parental leave, and sick pay from day one.

### Ending 'bogus' self-employment

Labour will consult in detail on a simple framework that differentiates between workers and the genuinely self-employed.

This will mean all workers, regardless of sector, wage, or contract type, will be afforded the same basic rights and protections. This includes rights to sick pay, holiday pay, parental leave, protection against unfair dismissal and many others.

Labour will also clamp down on bogus self-employment, so unscrupulous employers will no longer be able to treat their staff like regular employees whilst falsely claiming they are not, denying staff rights they are owed as employees.

### Strengthened rights for workers & self-employed

Labour will strengthen the existing set of rights and protections, including for pregnant workers, whistleblowers, workers made redundant, workers making unfair dismissal claims and workers subject to TUPE processes.

Labour will strengthen statutory sick pay, remove the lower earnings limit to make it available to all workers, including the self-employed, and remove the waiting period.

Labour will also act to strengthen rights and protections to help self-employed workers including the right to a written contract, action to tackle late payments, and by extending health and safety and blacklisting protections to self-employed workers.

### Banning zero hours contracts

Labour will ban exploitative zero hours contracts and ensure anyone working regular hours for 12 weeks or more will gain a right to a regular contract to reflect those hours normally worked.

Labour will also ensure all workers get reasonable notice of any change in shifts or working time, with compensation that is proportionate to the notice given for any shifts cancelled or curtailed

### Work-life balance and flexible working

Labour is committed to achieving a better work-life balance while raising pay. Labour will ensure all workers have the opportunity to benefit from flexible working.





**Right to switch off**

Labour will bring in the 'right to switch off', so working from home does not become homes turning into 24/7 offices.

Workers will have a new right to disconnect from work outside of working hours and not be contacted by their employer outside of working hours.

**Stronger family-friendly rights**

Labour will review the parental leave system so that it best supports working families. This includes reviewing the Shared Parental Leave system, with reforms to incentivise sharing of leave.

Labour will introduce the right to bereavement leave and strengthen protections for pregnant women by making it unlawful to dismiss a woman who is pregnant for six months after her return, except in specific circumstances.

**Statutory Sick Pay**

Changes to Statutory Sick Pay (SSP) will involve removing the lower earning threshold required for SSP eligibility, and abolishing the waiting period before SSP benefits can commence.

**Labour will outlaw fire and re-hire**

This legislation change is designed to ensure employers follow correct processes when making employees redundant and then re-hiring them under different terms and conditions.

**Healthy and safe workplaces**

Labour will review the law on health and safety at work to revise outdated legislation and make it fit for now and the future.

**Employers with 250+ employees**

**Menopause support**

Large employers will be required to produce Menopause Action Plans, setting out how they will support employees through the menopause.

**Pay gap reporting**

There will be compulsory reporting on ethnicity and disability pay gaps for employers with 250+ employees, with larger companies required to publish and implement plans at addressing their gender pay gaps.

**What should you do now?**

The proposed changes are still subject to consultation. However, start having a think about how the new regulations could impact your processes, e.g.

- Review your current employment contracts, do you have any existing policies around expectations of out of hours working and rights available from day one for new employees?
- Think about what you might want or need when it comes to out of hours contact with employees.
- The 'day one' rights might impact your approach to recruitment.

As soon as we know more, we'll let you know!



# MENTAL HEALTH IN THE WORKPLACE

Poor mental health at work isn't just detrimental to your wellbeing strategies and engagement - it can be terrible for your bottom line.

According to new research from Deloitte, poor mental health at work costs UK employers a staggering £51 billion annually.

These are eye-watering figures that demand serious attention. While it's encouraging to see a decline, addressing mental health at work must remain a top priority for businesses.

**Did you know that for every £1 spent on mental health support, businesses see a return of nearly £4.70 in improved productivity? Incredible!**

Let's take a closer look at the three main culprits behind poor mental health at work and the hidden implications for businesses:

1

## PRESENTEEISM

Where employees work despite not being fully productive, being constantly present despite being unwell, costing businesses £24 billion annually.

2

## BURNOUT

Physical and mental exhaustion is also on the rise, with 63% of respondents exhibiting at least one sign of burnout, up from 51% previously. This includes feelings of exhaustion, mental distance from the job and declining performance.

3

## FAMILY MENTAL HEALTH

The impact of children's mental health on their working parents is substantial, affecting their performance and costing UK employers £8 billion a year. Nearly half of working parents are concerned about their children's mental health, leading many to reduce their working hours or seek additional support from employers.



**Check out Mind's useful resources for how employers can take care of staff and look after their mental health at work by clicking their logo above!**





## TO CV SELFIE OR NOT CV SELFIE?

Recruitment might have gone high-tech with AI, video applications and a push for diversity, but the trusty CV still holds its ground.

But should candidates add a photo of themselves? It could risk biases like racial and gender discrimination, and even 'pretty privilege'—where conventional good looks might dazzle employers.

However, while blind screening helps combat biases, many still sneak a peek at LinkedIn beforehand. The focus should be on inclusive practices that value skills and qualifications over appearance.

<https://www.newsweek.com/should-you-put-your-photo-your-resume-1908542>

## DISTRACTED, ME?

59% of employees can't last 30 minutes without getting sidetracked by something non-work related, like their phone or a chatty colleague, making focus a challenge.

Employers can play a crucial role by spotting workplace distractions, setting boundaries and creating a culture where people can thrive without being distracted.

<https://www.peoplemanagement.co.uk/article/1878015/three-quarters-employees-distracted-notifications-workplace-research-finds>



## BOREOUT - THE NEW BURNOUT

We're all familiar with burnout - when an employee's workload becomes too much to bear and it causes exhaustion, saps motivation and impacts their mental health.

But there's a new buzzword in town... boreout. It's when work lacks challenge or excitement, leaving employees bored and unmotivated. It may sound less serious, but the symptoms are just as real and need urgent attention.

<https://hrzone.com/boreout-what-it-is-and-how-to-prevent-it/>

Employers can steer clear of boreout with a vibrant culture, regular check-ins and growth opportunities to keep their teams buzzing with energy and fulfilment.

# QUESTIONS & ANSWERS



## Are unsigned contracts of employment enforceable?

A signed employment contract isn't required for it to be binding. Acceptance can be verbal or implied through actions. If an employee works under the contract terms without objection, it indicates their acceptance.

## Can I cancel someone's annual leave because we're short staffed?

You can, if it's a legitimate business need. However, make sure it doesn't prevent them from using their full statutory leave within the year. Notice, equal to at least the planned leave period, must be given. If leave is cancelled incorrectly, or they suffer a financial loss, they could raise a grievance or bring a claim for breach of contract or constructive dismissal.

## What notice do I need to give to change an employee's usual rota?

If your contract includes a variation or flexibility clause, review its terms and refer to any related policies that detail the process and specify the required notice period. If none, consult with the employee to reach a mutual agreement on the schedule change, otherwise, legal risks may arise.

## Can employees be suspended if they are arrested?

Possibly, but it depends on whether the incident happened at work or off-site. Suspension shouldn't be automatic. Consider the allegations, the impact it may have on colleagues and your business, and any safety concerns. Seek ACAS and legal advice for clarity.

## Do I need a probationary period?

There's no legal requirement, but it can protect your financial and business interests. It helps you assess whether your new hire is right for the job - and if it's right for them - and you can set a shorter notice period.