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National Living Wage Goes Up (And 5 Other Laws You Need to Know...)

HR & EMPLOYMENT LAW



By Andrew Willis
Head of Legal & Advisory

In April, new employment laws will force you to change how you work.

You'll face hikes in the National Living and National Minimum Wage, bigger pension contributions and a **major overhaul to payslips**.

1st April: National Living Wage goes up

The National Living Wage and National Minimum Wage go up by 4.9% for all age groups.

- £8.21 per hour for workers aged 25 and over (up from £7.83).
- £7.70 per hour for workers aged 21 to 24 (up from £7.38).
- £6.15 per hour for workers aged 18 to 20 (up from £5.90).
- £4.35 per hour for workers aged under 18 (up from £4.20).
- £3.90 per hour for apprentices (up from £3.70).

In 2018, the government named and shamed 419 businesses for paying below the National Minimum Wage (and forced them to pay out £2.54 million).

Don't make that mistake in 2019—update your payroll in time for April. And remember to check that any pay deductions for uniforms or equipment don't tip your staff below the National Minimum Wage. Or, you could end up with an unwelcome letter from HMRC...

6th April: Statutory sick pay goes up

The minimum sick pay that you need to give staff who are too ill to work increases from £92.05 to £94.25 per week.

You need to give your worker sick pay if they have been too ill to work for four days or more, and you need to pay it for up to 28 weeks.

6th April: Employment tribunal penalties balloon to £20,000

Tribunals can now force bad employers to pay a whopping £20,000 penalty for repeatedly breaking employment laws.

The number of employment tribunals in the UK has risen by 118% in recent years. So avoiding a claim is a higher priority than ever.

6th April: Pension contributions increase to 8%

Your employee now needs to put at least 5% of their pre-tax salary into their pension. And you have to put in an extra 3% (up from 2% last year).

Or, depending on the rules of your pension scheme (and if you're feeling generous), you can pay the full 8% yourself.

6th April: Changes to payslips

You must give itemised payslips to all workers. Previously, you only had to give payslips to employees.

Itemised payslips break down workers and employees' pay to show how much you've given and what deductions you've made. This must include the amount and method of any part-payment. For example, if you pay a worker £1,500 a month but they get £500 in cash and £1,000 in BACS then you need to put this on their payslip.

You must also include the number of hours worked if your workers' pay varies depending on the amount of time they have worked.

If you don't give your workers itemised payslips, a tribunal can declare that you have breached your workers' rights and then force you to repay your workers in respect of any deductions made. And itemised payslips make it much easier for HMRC to spot and prosecute businesses that pay below the National Minimum Wage (which, as mentioned above, is increasing in April).

Save yourself from a costly dispute and take the hassle out of updating your payroll processes. Read our new article on how to create an itemised payslip here.

7th April: Statutory pay for maternity, paternity, adoption and shared parental leave increases

The minimum pay you need to give staff on maternity, paternity, adoption or shared parental leave increases from £145.18 to £148.68 per week.

The average earnings that an employee has to make to receive these payments also increases from £116 to £118 per week.

There's still time to make a change

The clock's ticking for you to make the changes to your business in time for April. But don't worry. If you need support to modify your business practices, or you want a legal expert to check that you're meeting the law, call Croner.

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Payslips | Get Ready for April Legal Changes

HR & EMPLOYMENT LAW



By Nicola Mullineux
Employment Law Specialist

From the 6th April 2019, a new law will completely change how you issue payslips. If you don't update your payroll in time, you'll be breaking the law.

But don't worry. This Q&A breaks down everything you need to know to get your business ready in time and avoid falling foul of the law...

Q1: What's the new law?

A: The Employment Rights Act 1996 (Itemised Pay Statement) (Amendment) (No. 2) Order 2018.

Q2: Can you explain what that means in English?

A: It means you need to give all of your workers an itemised payslip.

Q3: Is this a big change?

A: It's pretty big. Previously, only staff classed as employees had the right to get itemised payslips. Now all UK workers have this right.

In many cases, you'll also have to put the number of hours worked on a payslip. This may apply to your employees too.

P.S. if you're unsure what the difference is between employees and workers, don't worry. You're not the only one. We'll get to this shortly, so keep reading to find out (or jump to Q10 if you can't wait).

Q4: What items do I need to put on an itemised payslip?

A: You need to include the following items on your payslips:

- Gross salary (i.e. the wages you pay before deductions).
- The amount deducted from pay, and why.
- The net amount (i.e. the pay that your worker takes home after deductions).
- The amount and method of any part-payment (e.g. if you pay a worker £1,500 a month but they get £500 in cash and £1,000 in BACS you need put this on the payslip).

- The number of hours where pay varies depending on the amount of time worked (this will apply to your employees' payslips too). If you pay your staff based on the number of hours they work or they get different amounts for working certain hours, you need to include these hours on their payslips.

Q5: That last one is confusing. When do I need to include the number of hours worked on a payslip?

A: This is a brand new change to the law which will apply to all workers, including employees. From April, you'll have to include the number of hours worked on a payslip if:

1. You only pay your worker for the hours they work, such as someone on a zero-hour contract. In this case, you need to include the total number of hours they worked.
2. Your worker's pay varies depending on working certain hours. For example, a salary-paid worker who gets an hourly rate if they do overtime. In this case, you only need to include the number of hours of overtime worked on the payslip.

Q6: What if I pay differently on bank holidays?

A: There are four bank holidays over April and May this year. You may choose to pay staff extra for working these days or give them paid annual leave—although you don't have to do either.

Many businesses use agency or temporary workers to cover shifts on bank holidays. If you do, and these workers get paid by the hour, then you must make sure they receive an itemised pay slip that includes all of the hours they work.

But you don't need to link rates of pay to specific hours worked. So it doesn't matter if you pay time-and-a-half for working bank holidays, you only need to put the total number of hours worked on the payslip.

It's a good idea to break down hours and pay if you can. It gives your worker greater transparency and helps to prevent arguments or disputes over pay.

Q7: What impact will the change to payslips have on me and my business?

A: You'll need to change your payroll processes to give workers itemised payslips in time for the 6th April deadline.

Why? Because workers now have the right to take you to an employment tribunal if you don't provide an itemised payslip.

An itemised payslip also makes it very easy for HMRC to spot if employers pay below the National Minimum Wage, which goes up in April. Read our recent article here to find out more...

Q8: What deductions can I make to workers' pay?

Deductions include charges for uniforms or equipment, or if you dock pay for absence or lateness. You might also make deductions for a non-cash benefit, such as a salary sacrifice for accommodation or transport. You'll need to think carefully about how you pay your workers and what deductions you make. For more advice on this, call a Croner HR expert on 0808 145 3377.

Q9: Will the way I issue payslips change, too?

A: No. You still have to provide either a physical or a printable electronic payslip.

Q10: Employees and workers: what's the difference?

A: A lot of people skip ahead to this question...

All employees are workers, but not all workers are employees. It may help to think of employees as a type of worker with extra employment rights bolted on.

For example, all workers have the right to receive at least the minimum wage, paid holiday and rest breaks. But only employees have rights to redundancy pay, protection against unfair dismissal and statutory notice periods.

In practice, the main difference is that employees and employers have a 'mutuality of obligation'. This means the employer needs to give the employee work (and pay for it) and the employee needs to do the work he or she is given. But employers don't have to offer work to workers. And when an employer does offer work, the worker can turn it down.

Q11: What about staff who are self-employed?

A: The law doesn't affect the self-employed. So you don't need to start giving payslips to your contractors or freelancers.

Q12: So, what should I do next?

A: Call Croner. We offer a FREE, no obligation advice service to help you change your payslips in time.

We also provide a suite of HR software that makes it easy for you to keep track of your staff's working hours, holidays, sick leave and contracts.

It lets you quickly see who's working, how many hours a week they've worked, whether they're classed as workers or employees, and what deductions their contracts say you can make from their pay cheques. And you can do it for your entire workforce—from full-time employees and part-time staff to seasonal and agency workers.

Let Croner take the hassle out of adapting your payroll and help you avoid the risk being taken to court.

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Top Tips:

10 Health & Safety Tips for Small and New Businesses

When setting up a new business, or managing a small one, it can be easy to overlook the health & safety basics. To ensure you're not caught off guard, follow these top 10 tips.

01 Write a health & safety policy (or statement of intent)

For a business with 5 or more staff, a Policy Statement is required- it should include who the responsible person is and arrangements for health & safety of workers



02 Conduct a fire risk assessment

Complete Fire Risk Assessments of the area or buildings you occupy and ensure suitable means of detection, fire-fighting equipment and alarms are installed

03 Have trained fire marshals or wardens on site

A number of trained staff should be responsible to evacuate staff and visitors in the event of an emergency (which may not just be a fire)



04 Complete a First Aid Needs Risk Assessment

The first needs assessment demonstrates to the HSE or the Local Authority (LA) inspector that a company has considered their first aid



05 Inspect fixed wiring

It's a legal requirement for commercial premises to have fixed wiring installation inspected and tested periodically by a competent and qualified electrician

06 Check any gas appliances (if you have them)

If you have any gas appliances such as cookers or boilers you must have them checked at least annually by a Gas Safe Contractor



07 Complete portable appliance testing

Ensure all electrical equipment is safe for staff to operate by completing Portable Appliance Testing, a local electrician will check and label equipment to confirm it is safe



08 Complete a display screen equipment risk assessment

A DSE risk assessment reduces the risk of staff working with computers experiencing Repetitive Strain Injury or Work Related Upper Limb Disorders at work



09 Provide manual handling assessments and training to staff

Ensuring these assessments are conducted reduces the risk of injury to workers. Where possible, mechanical handling aids such as a trolley should be provided

10 Is there any lifting equipment used?

Where lifting equipment is used, it should be inspected and tested. Equipment that lifts people needs to be inspected every 6 months and Forklifts every 12 months



Top 8 HR Tips for Setting up a New Business

HR & EMPLOYMENT LAW



By Ben McCarthy
Employment Law Specialist

Setting up a new business is a challenging and exciting time.

Below are the top ten things you should be thinking about:

1. Producing clear company policies.

Policies and procedures play a very important role in providing guidance to employees. They help staff understand what you expect of them.

A strong policy can assist you in avoiding disputes further down the line as you will be able to argue that the behaviour or conduct expected from an employee is clearly outlined. It can also reaffirm a company's commitment to working against forms of workplace discrimination. This includes anti-bullying and harassment policies, which are highly attractive to external candidates.

2. Making sure you don't ask staff to work too many hours.

The hours you will expect your staff to work will depend upon your business. However, you should remember that the law strictly instructs that adult workers cannot work more than 48 hours per week on average unless they sign an opt out agreement.

Also remember that they are entitled to a minimum rest period of 11 consecutive hours in each 24-hour period. If you intend to hire young workers remember that individuals under the age of 18 are not usually permitted to work more than eight hours a day or 40 hours per week.

3. Making sure staff receive appropriate holiday entitlements.

When considering holiday allowance remember that almost all workers are legally entitled to 5.6 weeks' paid holiday per leave year. This can include bank holidays but there is not stand alone entitlement to take bank holidays off. You can always give more than the minimum if you choose to, however you should fully consider the demands of your business.

4. Being sure how much you should pay your staff.

The pay that you will provide to your workforce will be based on a number of factors, such as the experience or qualifications you expect them to have. You should however bear in mind that you cannot legally pay them below the current national minimum wage rates, which change every April.

Failure to provide at least the minimum wage can lead to a fine from the HMRC alongside being publicly named and shamed. Bad news for a company just starting out.

5. Setting up a reliable payroll system.

Your employees will expect to be paid on time and you should have a system in place that will make sure this happens.

It is illegal for unauthorised deductions to be made from an employee's wage and the affected staff member can make a complaint to an employment tribunal if this situation is not rectified quickly. You can invest in software that will help you with this alongside managing other HR related requests, such as holidays.

6. Undertaking right to work checks.

If you intend to employ individuals from overseas, you need to make sure that they are legally able to live and work in the UK.

You can either check an applicant's right to work in person or on the government website, provided they have given you their share code. If you are caught employing an illegal worker you can face a fine of up to £20,000 even if you were not aware of it.

7. Producing a contract of employment and providing a statement of written terms and conditions (SMT).

When taking on a new employee, a contract of employment will exist between yourself and them.

Not all contracts of employment have to be in writing for them to be legal. But, you do have to provide a written statement of terms and conditions within two months of the commencement of employment. This needs to detail the main terms and conditions of employment, such as the start date, holiday entitlements and notice periods required to terminate the employment.

8. Providing inductions and additional training.

Consider what training you are going to need to provide to your staff when they start their jobs. Is there any specific software they may need more information on or processes they will need to get used to?

Inductions can also be a useful way of reaffirming company policies to members of staff, informing them of general health and safety procedures and reiterating the consequences of misconduct.

Driving To and From Work Safely

HEALTH & SAFETY



By Fiona Burns
Health & Safety Specialist

At the end of September 2018, there were 38.4 million vehicles licensed for use on the roads in Great Britain, of which 31.6 million were cars.

With more and more cars on the road there will inevitably be delays on the road. This can lead to anxiety and drivers rushing to make up lost time.

It is important to plan ahead and leave time to arrive safely.

Don't react to bad drivers and aggressive behaviour but remain calm and try to drive defensively.

Be courteous to other road users and give way when able. Don't rush through small spaces or overtake when you get the opportunity.

Be aware of all other road users and be vigilant for pedestrians that may not have seen you.

Adverse or inclement weather and Issues to consider during the winter months

You need to take action whenever freezing temperatures are forecast. Keep up to date by visiting a weather service site such as the Met Office or the Highways England.

Winter driving

Be aware that 'dawn frost' can occur on dry surfaces, when early morning dew forms and freezes on impact with the cold surface.

It can be difficult to predict when or where this condition will occur.

Be extra cautious of pedestrians walking on roads who are unable to walk at their normal pace. This is especially dangerous in heavy snow where it is difficult to see where the pavement edge is.

Severe weather conditions

In severe weather – consider if your journey is essential

Ensure you have full visibility – clear all snow and ice from the vehicle

Prepare for your journey – Croner recommend keeping the following items in your vehicle:

- Tow rope
- A shovel
- Wellington boots
- A hazard warning triangle
- De-icing equipment
- First aid kit (in good order)
- Torch
- Blanket
- Warm clothes
- Emergency Rations (including hot drink in a flask)
- Mobile Phone (fully charged)

If you get caught in a snow drift:

- Don't leave your vehicle.
- Call your breakdown service or the emergency services and let help come to you.
- Don't run the engine to keep warm

The big thaw

Avoid driving into flood waters wherever possible. Drivers can easily become trapped by rising flood waters.

It only takes six inches of water for a driver can lose control of a small vehicle. This level of water can cause damage to the vehicle or stop the vehicle running which can leave you stranded.

Avoiding contact with flood water due to pollution and contamination

During any such weather you should monitor the local forecasts and consider the expected conditions in order to plan and prepare.

Don't get caught in the headlights...

Speak to a Croner expert if you have any health & safety concerns regarding your workers driving to and from work, or driving for work.

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Should Bosses Ever Earn Less Than Staff?

REWARD



By Clare Parkinson
Reward Business Manager

Managers take on more responsibility.

So *obviously* they get paid more than the people they manage. Right? Not always. In fact, it's common for managers or supervisors to earn *less* than some workers.

It's also common for managers to be confused when this happens. Confused, infuriated and demotivated. And it's up to the boss (i.e. *you*) to manage the fallout.

Here are three reasons why you might find pay differences in your business, and how to fix them without resorting to a hefty pay rise.

Reason 1. The market values technical skills higher than managerial skills

The labour market follows the rules of supply and demand. Good managerial skills are rare—they command a high market rate. But some skills are *even rarer*.

Tech companies or consultancies, in particular, pay big salaries for people with specialist skills, such as academics. Other businesses give individual salespeople huge bonuses for their personal business relationship (and the revenue that these relationships help generate).

But a high-flying academic still needs a line manager. And your best salesperson may play golf with your biggest client every Sunday, but they have to be accountable to *someone*. Even if that *someone* gets paid less.

It's hard to argue with supply and demand, which is why market analysis is so important when making pay choices. Firstly, it helps you make sure that you don't pay too much for staff and dent your bottom line, or pay too little and risk talent going to a competitor.

And secondly, it allows you to justify cases where individuals get more pay than their managers. Your manager *should* understand, although they'll still probably want more money (more on how to handle that later...).

Reason 2. Staff have joined your business during an acquisition

If you buy another business, you must follow Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

TUPE forces you to take on the employees of the purchased company. And their contracts.

So when you merge teams, there *will* be differences in pay. Your managers may end up supervising higher paid employees.

Unfortunately, there isn't a quick fix. It's not easy to change the terms of someone's contract when their role hasn't changed.

But there are still ways to balance pay. The first step is to do a job evaluation and a pay review for your business. This will reveal any pay differences, including those between managers and their employees.

Use the job evaluation and market analysis to determine pay grades for employees' roles. Then make gradual changes to your team structure to fix pay differences. For example, hire new staff at the market rate or prioritise which staff get pay increases—and which don't.

Reason 3. Staff roles and pay grades change as your business grows

Your business changes over time, and so does how much you pay staff. So, a manager who joined in year one could be on a lower salary than a worker who joins in year three.

Or maybe you reward loyalty and give long-term workers a small pay rise each year. Then before you realise it, they're earning more than a newly-hired manager.

And sometimes you promote an employee and it doesn't work out. So you find them a different role, possibly working under a lower paid line manager. But your employee is still a valuable member of the team, and you don't want to risk losing them by giving them a pay cut.

Are these situations understandable? Yes. Are they rational? Sort of. Are they easy to explain to the manager? No.

How to keep managers happy

Offering the manager non-cash benefits such as flexible working arrangements, more holiday time, promotion opportunities or even a company car can give enhanced long-term value.

And if that doesn't work, consider giving the manager a sizeable bonus based on performance. Yes, you may have to pay more in the long run. But if the manager helps your business to grow and boost profits, then rewarding their success at the end of the year is a win-win for both sides.

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Why Does My Boss Want to Microchip Me?

HR & EMPLOYMENT LAW



By Amanda Beattie
Employment Law Specialist

Maybe not today. Maybe not tomorrow. But one day your boss will microchip you. At least, that's what you might believe if you've read the news recently...

Last year, a Swedish tech firm implanted microchips into 150 UK workers. And in 2017, a company in the US became the first to offer voluntary microchipping to its employees.

But what are microchips? Why do businesses use them? And how long do you have before your boss tries to put a chip in you?

Security and staff tracking

A human chip implant is smaller than a grain of rice and is inserted between your thumb and forefinger.

One reason why businesses use microchips is for security. The chip can send a radio wave that allows workers to unlock security doors or access restricted files. So there's no need for security passes or passwords.

Microchips can monitor staff at work, too. The chip can track what time staff turn up, how long they take for lunch and what time they clock out. So there's no need to manually monitor staff work patterns.

In the future, chips could become part of daily life, from buying food to unlocking your front door. So there'd be no need for PIN numbers, debit cards or even house keys.

So, is UK-wide microchipping around the corner? Probably not. Here's why.

It's illegal

You can't force your employees to use microchips.

That's because it would be impossible to convince a judge there's a business need to microchip your staff. Especially when there are other ways to keep your business secure and monitor staff in the workplace (more on that later).

If you tried to make microchipping compulsory and your staff left because of it, you could be guilty of constructive dismissal. And a recent study suggests that one in three UK workers would resign *on the spot* if their boss asked them to be microchipped. So trying to microchip your staff may lead to thousands of pounds in employment tribunal fines.

Of course, staff *can* volunteer to be microchipped. And the fear of upsetting the boss could be enough to convince workers. But it's still unlikely that businesses are going to take up microchips any time soon, because...

There's not much benefit

There are already many tools available for security and staff monitoring. And they don't require you to perform minor surgery on your employees.

Every day, businesses in the UK use CCTV, computer monitoring and mobile apps to keep track of their workers. Amazon is even developing wristbands that will guide warehouse workers' hands to the right location on shelves (and track staff efficiency).

And when it comes to security, most businesses simply don't need the level of protection that microchips offer.

Even for those businesses that do have high security needs, microchips come with their own safety issues. Can hackers copy or steal data from microchips? What do you do when staff leave your business? Are microchips any better than fingerprint recognition tech, which people already use *just to unlock their phones*?

So for most businesses, the benefits of microchipping workers don't overcome the risk and hassle of doing it. For now...

Keep your business safe, today

Microchips may be new, but business security and workforce monitoring have been around for a long time.

Whatever tools you use to manage your workplace, you need to think carefully about your employees' rights. Particularly when you handle their personal data.

Personal data includes anything that can be used to identify an individual. And your business has *a lot* of data on your staff.

You have an employee's national insurance number, taxpayer information, phone number, and copies of their passport or driver's license. You might even store internet browsing history, CCTV footage, and biometric data that can be used to identify staff.

If you misuse this data, or don't handle it securely, then you could face prosecution. Under GDPR, businesses can be fined up to €20 million or 4% of annual global turnover for mishandling data.

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I Can't Discipline Employees for their Actions Outside of Work



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#Mythbusters



This myth is particularly prevalent—which is surprising, considering the amount of highly-publicised cases that have proven it to be false.

Time and time again, employees' behaviour has ended in dismissal.

A couple of recent, high-profile examples include:

- The case of *Wood v Durham County Council* in September 2018. Wood was caught shoplifting outside of work. He was subsequently dismissed despite claiming his actions were influenced by PTSD and associated amnesia.
- An individual was dismissed after shouting alleged racist abuse at Raheem Sterling during a Premier League match in December 2018

But why does it matter? Isn't what employees get up to in their own time their business?

Well- that depends entirely on the behaviour the employee is engaging in outside of work.

Could it be classed as misconduct or gross misconduct? Does it have a direct impact on their role?

There's always some grey area in these cases, so here are some good benchmarks for you to use when trying to determine whether an employee's behaviour is severe enough for punishment:

- Is their behaviour likely to bring the firm into disrepute?
- Have they revealed sensitive company information?
- Does their behaviour pose a significant risk to colleagues or individuals under their care?

For example, if a carer engaged in violent or abusive behaviour outside of work, their employer would have reasonable cause to suspect they'd be a potential risk to the individuals in their care.

In one case, an airline attendant posted inappropriate images of herself online whilst wearing her work uniform. She was promptly dismissed when the images surfaced as this brought the company into disrepute.

In all cases, employers should investigate and consider if the employee's behaviour impacts the employment relationship. It should also be considered whether the employee had a history of the reported behaviour, or whether it is an isolated incident. Another factor is whether their behaviour was influenced by any factors at work.

One example of an employee dismissal gone wrong was when an employee was dismissed for attacking a police officer. However, the violence was an isolated incident and brought about by alcohol at a work-related party where the employer had provided free alcohol.

After being taken to tribunal it was found that the employer unfairly dismissed the employee.

So... how do you fairly judge an employee's actions outside of work?

Well, as with any other disciplinary action, you should thoroughly investigate and follow procedure to the letter as outlined in your staff handbook (or contract).

Carry out a dual-sided investigation, investigating the employee's innocence as much as their guilt, rather than digging deeper into one side of the argument. This is for practical reasons, not just to maintain a fair investigation, as it could amount to bias and therefore be held against you in a tribunal scenario.

It's also wise to avoid kneejerk reactions, as they are liable to land you in hot water further down the line.

You can pre-empt any embarrassing social media issues by prohibiting staff from identifying your business in pictures or posts. Outline their restrictions in your email, internet, or data protection policies.

Another pre-emptive measure you can take is ensuring your disciplinary and grievance procedures are compliant.

But ultimately, if you believe an employee is no longer fit to perform their role due to behaviour outside of work, or if they have put the reputation of your business on the line, then you may discipline them. Just make sure you follow your outlined processes, or it may come back to haunt you...



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Six Nations Rugby: Dealing with Sporting Events in the Workplace

HR & EMPLOYMENT LAW



By Ben McCarthy
Employment Law Specialist

The 2019 Six Nations Championship will run from 1st February through to 16th March, with most of the matches expected to take place on a Saturday and Sunday.

During this time, work may not be the top priority for employees and instances of poor behaviour could become more evident than usual.

For example, companies may see an increased number of absences, lateness or poor engagement, especially if they are open at the weekend.

Whilst it is ideal to maintain a positive relationship with your workforce, you must also be careful not to let standards slip too far.

Allowing time off

Staff may want time off to watch the games but it is unlikely to be feasible to allow large groups of them to do this at once. Your business needs to be able to function at full capacity and you should strictly only grant holiday requests on a first come, first served basis.

This could be frustrating for some members of staff who have left it too late and they may need reminding of the usual process for requesting annual leave, which should be outlined in company policies.

Monitoring attendance

It's also a good idea to inform staff that their attendance levels will be monitored throughout the weekend and the days that follow. Any unauthorised absences are a form of misconduct and you might need to proceed with your usual disciplinary procedure if this does happen.

As a further deterrent to employees thinking about taking time off without permission, you could also encourage a work event out of the situation, allowing employees to dress-down and bring in party food.

Watching matches during work hours

If a match is on during working hours, you should consider how you'll respond to requests from employees to watch it.

For example, is it possible to have a television on in the background or a radio playing? Employees will most likely be able to get updates through the use of personal devices or company internet, something that can easily distract them from their work.

Reminding employees in advance of your policy on personal browsing in working time will be a valuable move to reinforce any behaviour which you find unacceptable.

Favouritism or discrimination?

The tournament features teams from six countries so you should be careful to treat all employees in the same way regardless of their nationality.

Showing preference to one employee's request over another could potentially lead to claims of favouritism or even discrimination.

Be mindful that, if the match is displayed in the workplace, any discriminatory or inappropriate comments made either by employees or members of the public should also not be tolerated.

Preparing your workplace

Whilst you should ensure that employees are correctly working to the terms of their contract, you should also consider taking steps that will allow workers to view the game and act as a deterrent to taking unauthorised absences.

If you're unsure of the best way to address this in your workplace, speak to a Croner expert on 0808 145 3385.

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The Equal Pay Challenge

REWARD



By Jonathan Holt
Pay & Reward Specialist

The news that women working in Morrisons supermarkets are bringing an equal pay claim should serve as a warning to employers with unequal pay systems.

ASDA is already in the middle of an employment tribunal battle that is likely to drag on for years, and other supermarket chains could face similar claims, with women who work in the stores comparing their earnings with those of men who work in the warehouses.

Rise in claims

Lawyers who specialise in the field of equal pay, often acting on a no win no fee basis, are experiencing a rise in instructions, most likely due to two factors:

- The removal of employment tribunal fees which was a block to many justifiable claims for several years
- Gender pay gap reporting has made aggrieved employees think that it could be worth their while making claims, especially if their employer reports a big gap between men's and women's earnings

Which organisations are challenged the most?

Until now it has been mainly public sector employers, often local authorities, who have seen large group claims being made against them.

In 2012, Birmingham City Council were landed with a bank-busting £757 million award – they had to sell the National Exhibition Centre to foot the bill.

In January this year, Glasgow City Council lost their case after a strike of over 8,000 female staff, and it is estimated that they may have to fork out around £500 million. What will they have to sell off to settle the claims?

Now the lawyers are wooing private-sector workers with big adverts, and they are scrutinising pay systems which don't stack up, as they might say in supermarkets.

So what causes the disparities?

There could be a range of reasons:

- Several conflicting pay scales where people are doing much the same job, or perhaps different jobs with the same demands and complexity, and are paid differently.

- Paying allowances to make sure staffing levels are good enough to provide a service e.g. shift, standby, attendance and market supplements, which are only paid to jobs mainly performed by men. One local authority would not remove such allowances because they feared an exodus of staff and would not contract out the street cleaning and refuse collection because 'residents would not like the private contractors.'
- No upper limits to pay scales, often caused by performance-related pay. Paying more for good performance helps organisations create a culture of high performance, but sometimes the sky's the limit.
- Allowances that don't make sense. One organisation paid £8,000 per year for working at home to cover heating and lighting. It's not likely that their staff were living in stately homes!
- Protecting pay for too long. After a job evaluation exercise, staff have their earnings fixed for several years so that they don't lose out despite now being graded lower. Or after a TUPE transfer, it's against the law to move staff onto less favourable terms & conditions, so they stay on their old pay levels until they leave the company, which may not be for decades. But others in the company are paid at lower levels, breeding discontent.

The last situation indicates a tension between what's fair and within equal pay law, and what will avoid breach of contract under transfer of undertakings law. Employers tend to fear the latter more than the former, until someone decides to challenge the status quo. But the risks involved are not equal – no employer who changed an employee's terms and conditions was ever slapped with a bill for half a billion pounds. You can make pay fairer with a big enough carrot and a bit of negotiation.

How do I face the equal pay challenge?

Getting to the bottom of the problem takes some analysis. A gender pay gap report may tell you that there are differences, but what causes them? A full equal pay audit will tell you much more.

Speak to an Expert
We're here to support you

Our pay & reward specialists are available to take your call 24/7

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Are Computer Screens Destroying Your Eyesight?

HEALTH & SAFETY



By Fiona Burns
Health & Safety Specialist

According to one study, as many as 90% of people who work at computer screens in the UK have symptoms of digital eye strain.

Another study has shown that nearly 1 in 5 teenagers in the UK are now myopic (i.e. short sighted). That's over twice as many than in the 1960s.

But why are screens so bad for you? What's the real damage to your eyes? And what are you going to do protect your workers' vision? Keep reading to find out...

Blue light: beautiful, but potentially deadly

You've probably heard that smartphones and laptops emit blue light. Sounds innocent enough. Except some researchers suggest it might be poisoning your eyes.

According to new research, when blue light hits your eyes it could set off a biochemical chain reaction that permanently destroys cells in your retina.

The death of light sensitive cells in the eye is called macular degeneration. It's incurable and it leads to vision loss in about 2.4% of UK adults.

So how do you stop it?

Researchers recommend that you don't use your smartphone or tablet when it's dark. And you can reduce exposure to blue light during the day time, too, by adjusting your computer. For example, most PCs and laptops have settings that can remove blue light from the screen.

Some experts suggest you go further even to protect your eyes and wear sunglasses whenever you're outside. This will filter out blue light that occurs naturally and have the added benefit of making you look really cool (possibly...).

Screens are dangerous: keep your distance

Human eyes have an incredible range of vision. Sure, it's not quite as impressive as other animals (did you know that a goat's vision can cover up to 340 degrees?) but it's still quite spectacular.

For example, on a dark night, assuming there's nothing blocking your view, you'd be able to make out a flickering candle up to 3 kilometres away. Then you could instantly adjust your focus to look at your watch less than a foot away.

We can make that massive switch from long to short distance vision because of the muscles in our eyes. They contract when we look at things close up and relax when we look far away.

So if you're staring at a computer screen for 8 hours a day your eye muscles are permanently contracted. That's one reason why as many as 90% of UK adults suffer digital eye strain.

Digital eye strain isn't quite as scary as permanent retinal death, but it's still serious. It can cause fatigue, headaches, blurred vision, dry eyes and neck pain. And workers who are in constant pain do not make efficient workers.

Fortunately, there's a simple solution. Set up your computer screen at a comfortable distance (one study recommends between 52cm and 73 cm) and take regular breaks. You and your workers should try to take your eyes away from the screen for 20 seconds every 20 minutes. And remember, you need to give workers at least one 15-minute break for every 4 ½ hours they work.

P.S. When your staff take breaks from their computer screens, encourage them not to spend their break looking at their phones. That defeats the point.

Your legal responsibilities to protect eyesight at work

In the grand scheme of human existence, staring at a screen all day is a new phenomenon. And there's a lot of misinformation out there about the impacts of long-term screen use.

As always, the best way to protect yourself and your staff is by taking sensible health & safety actions.

For example, all your workers need to complete display screen equipment (DSE) checks when they start work. This will help them to set up their screens and workstations to prevent discomfort.

You must also pay for employees that use screens to take an eye test if they ask for one. You may need to pay for their glasses, too, if tests show that an employee needs a special prescription to see the screen they use. But you don't need to pay for a standard prescription.

Find out more about protecting your eyes at work.

Speak to an Expert We're here to support you

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The Gender Pay Gap Widens

REWARD



By Clare Parkinson
Reward Business Manager

Last week the BBC reported that four in 10 private companies have wider pay gaps than they did last year. Is this just a stumble at the first hurdle, or is it indicative of the future?

The story so far...

The first round of gender pay gap reporting came in April 2018. It required all UK companies with more than 250 employees to report details of the mean and median hourly rate paid to male and female staff.

That meant 10,109 companies overall had to report their pay gaps.

7,853 of those companies reported a lower median salary for women.

The sectors most guilty of a pay gap in favour of men were construction, finance and education.

No sector was found to have a pay gap in favour of women.

One of the biggest contributing factors to the gap was the fact that women were not making it to the boardroom.

The example most often cited was that of HSBC, which had a 60% female workforce, yet had a 59% average pay gap. The reason given for this was that the top earners were male, thus bringing the male average up.

Fast-forward nine months, HSBC released their gender pay gap report for 2019, and in doing so alerted the nation to the beginning of a worrying trend.

HSBC's pay gap had risen from 59% to 61%, making it the worst performer for gender pay disparity so far.

As the reporting deadline creeps ever closer, and more firms began to release their data, the trend became clearer. When the BBC published their report it served to confirm what many already knew.

The pay gap is widening.

What the data says

The report named Kwik Fit, Npower and Virgin Atlantic among the biggest offenders.

Kwik Fit's gap took a dramatic turn from -15.2% to 14%, citing the departure of a number of senior female employees as the main reason for the shift.

Npower's gap has grown from 13% to 18%, citing a number of female employees opting for a salary sacrifice scheme.

And Virgin Atlantic's gap widened from 28.4% to 31%.

Construction remains the sector with the largest pay gap, and as of last week 74% of companies had reported a pay gap which favours men. Banks are still performing badly across the board.

However, before jumping to any quick conclusions, it's important to remember that at this stage only 10% of all firms required to report have actually released their data.

And in the grand scheme of things, it's not all doom and gloom. The hourly media gender pay gap is reported as 8.4%, which is actually down from 9.7% last year.

Which is why it is too early to judge how big of a stumble this is—if it is one at all—and what this means in the long-term.

What can I do?

Contrary to popular belief, the biggest changes you can make cost little to no money at all.

Changing your recruitment systems, structures and performance assessments can have a massive impact. Little changes, such as ensuring you have multiple women in your candidate list when hiring for a new role, to keeping your interviews structured so there is little room for unfair bias.

Further transparency is also key. A well communicated, visible pay structure will encourage women to negotiate their salary, as they know what they can reasonably expect.

One of the biggest contributors (aside from women not making it to the C-Suite), is maternity leave. The gap increases significantly when women take time out to have children.

While shared parental pay is available to all employees who meet the eligibility criteria, it is not widely used. Encouraging the use of shared parental leave and pay in your workplace will help even out the gap between men and women when having a baby or adopting a child.

There are methods that require you to spend a little bit of money too- conducting an audit of your recruitment and pay systems. Recruiting a diversity manager or bolstering your current HR department to create a diversity taskforce.

Or, you could speak to Croner.

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Let's talk

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