

# HR Matters

At Apex HR, we want to keep you updated with the latest developments. Our Newsletter will inform you of Employment Law changes and we will keep you 'in the know' with current and relevant topics that hit the headlines.

## We attended the Devon Business Show back in June



This was held at Plymouth Pavilions; we had a very successful day connecting with likeminded people and getting our message out there. Our new banners and brochures were key to helping us promote the business further and to get our name and services out to people that were interesting in engaging with us.

The Apex team really enjoyed the day it was great to network with other organisations too.

## Summer has finally arrived.....

The sun is shining what does this mean for employers?

So, it appears that Summer has finally arrived, and where the majority of us appreciate the sunshine and warmer weather this can be unpleasant whilst we are at work. There are many myths that fly around that the employer must send you home when the mercury rises above a certain temperature. There is actually no truth in this and there is no law for minimum or maximum temperatures. However, what the health and safety law does state is that indoor working temperatures must be at a reasonable level, comfortable and clean fresh air must be provided.

Warm temperatures can be uncomfortable for people and it is important to find the balance in the workplace to meet everyone's needs, as a recent study found that women preferred warmer temperatures whilst working inside workplaces than men. It is important that reasonable temperatures are agreed to ensure the productivity of people whilst at work.

What else can employers do to help in warmer temperatures?

If you care about your people as much as we do, consider some good practices you can put in place to keep your people as cool as possible during high temperatures and a heatwave. Here are some common sense ways to look after your people:

Hot weather may affect journeys in and out of work. Consider a flexi approach to staff that, for instance are delayed due to infrastructure issues, trains being delayed, accidents on the road due to road surfaces, ensure they allow for longer journey times or plan ahead

Switch on your air conditioning, if you have any in the office

Close blinds or curtains to block out sunlight

If no air conditioning, keep windows and doors open

Have a good supply of drinking water and encourage your people to drink plenty of water regularly to keep hydrated.

If your people work outside, ensure they have access to fresh drinking water, sunscreen and protective clothing, that they take regular breaks out of the sun, and work in the shade where possible.

Consider holding meetings in the morning when it may be cooler, and energy levels will be higher

If working outside, consider temporarily changing start times so that your people start earlier in the day when it is cooler and arrange breaks during the height of the heat around midday and finish earlier.

If you have younger, older, pregnant staff, or staff on medication, consider more frequent rest breaks

Provide moveable fans to cool the office or air-cooling units

Look to relax normal dress code. Allow your workers to wear more casual clothes, have, for example 'dress down days', ask for a donation to wear more casual, cool clothes, do a good thing and raise money for a local charity. Relax the rules to wear ties and suits, it doesn't necessarily mean flip flops and shorts!

Heatwaves in Britain are normally short lived and during these occasions' employers should be prepared to make temporary adjustments to ensure the comfort of their people.

If you want to know more on how you can adapt your working conditions during heatwaves call us at Apex HR for further advice and guidance.



## What do protected characteristics mean for employers?



### Bullying and Harassment In the workplace

There is no room for bullying and harassment in the workplace and still this occurs quite regularly. In recent stories it has been reported within the armed forces and more recently Royal Mail in Plymouth. Whether it is bullying or harassment from colleagues or managers, such behaviour is unacceptable and should not be tolerated by anyone whilst at work. The workplace should be a place where you are able to develop and shine in individual roles, not to be made to feel uncomfortable or restricted.

There are ways in which such behaviour can be reported and investigated, if you suspect bullying or harassment in your workplace and want some advice on how to follow the correct procedure to make a complaint -

Contact us at Apex HR for further advice and guidance.

Whilst we're in employment there are a number of protected characteristics that apply to us as people. Over the course of the next issues of HR Matter we will explore the individual protected characteristics that apply within the law of Employment. The Characteristics that are protected are:

- Sex
- Age
- Gender Reassignment
- Married or in a civil partnership
- Disability
- Race
- Religion
- Sex
- Sexual Orientation

This issue explores sex discrimination. Following on from the fall out of the #metoo movement, more and more women have been encouraged and have come forward to report their experiences. In the past year the number of sex discrimination claims brought against employers has risen by 69%. The number of claims reached 9,340 cases in 2018/19 which is up from 5,520 in 2017/2018. The number of workplace- related sex discrimination claims has risen in overall claims brought to employment tribunal.

It has been researched that UK businesses are making a conscious effort to introduce rules and guidelines on people's behaviour to help reduce instances of harassment, however the rise in sex discrimination claims raises question over whether employers are doing enough to discourage and enforce guidelines within workplaces.

Learn more in our typical Tribunal cases section, this gives context of how discrimination may be perceived by people when dismissed from their jobs. It puts into context of how decisions may be made and the importance following a consistent and fair process.

Talk to us at Apex to discuss what you can do to discourage sex discrimination and harassment in your workplace.





If you want to know more about developing a people centred workplace culture and how you can effectively implement in your workplace, come and talk to us.

## How do you humanise your workplace?

At Apex we pride ourselves on being a disruptive HR consultancy. How are you disruptive I hear you ask? Our ethos is focused on humanising the workplace to make it a welcoming and friendly atmosphere. HR can be very compliance based, with lots of processes and procedures, the human element of business can get lost and people are almost seen as robots following procedures and processes. Although there is very good reason for procedures and processes to reduce business risk to protect both the business and individual employees, from an employment law point of view, there are ways in which this can be delivered in a more balanced and positive way.

More and more people want a positive and encouraging business culture that creates trust and transparency amongst their day to day work. The business world is changing rapidly, and senior leaders and boards of directors can no longer ignore the 'culture' and what it means for their business. Never before has the HR function and their knowledge been needed more in creating people centred cultures. There are companies shifting towards long-term thinking on people centred culture.

Apex believes workplace cultures impact on the long-term sustainability of the business, the thinking and putting into practice needs to start at the top but involve all levels of the business. A lot of boards and senior leaders' find this challenging as it means a different form of control. As HR professionals we do this day in day out and we should be given the opportunity to coach people as part of their development.

HR can play a key role in reigniting the business culture, board members are becoming more inclined to talk to HR who can offer an insight into what is happening at all levels in the organisation. By being open to feedback, boards and senior leaders are open to developing and changing the workplace cultures in a positive way.

Come and talk to us about your workplace culture and how we can support your developments, there are many ways in which we are able to make this happen.



LEADERSHIP  
 TEAMWORK  
 SHARED VALUES  
 COMPANY CULTURE

Does your business need help in developing a positive workplace culture?

Do you know if your people are happy within your organisation?

If you feel you need support on your workplace culture or want to know how you can change this, contact us at Apex

## How important is Employee Engagement?

How do you engage with your employees? Are you getting open and honest feedback? What do your employees really think about working in your business? Do you just do this because you feel you have to? What do you do with that feedback?

These are just a few questions we ask employers about how they engage and obtain feedback from their people. Employee engagement is often seen as an annual tick box exercise to obtain feedback from their people about their thoughts in relation to the business. All too often this feedback is returned dishonestly or not at all as people just say what they think you want to hear, and any other feedback outside of this is dismissed.

If you are really interested in what your people think about working for the business and how they are treated whilst at work, there are alternative ways in which to gain open and honest feedback from your people. As an employer you need to be ready for such honesty and openness and be prepared to fully analyse feedback to make improvements.

Apex have experienced that being prepared to really listen to your staff and allowing them to have that safe space where they can be open and honest has really shaped the future of organisations culture, productivity, trust and most of all success.

It can be helpful for employee engagement initiatives to be delivered by people external to the business. Sometimes an outside perspective is helpful and staff maybe more inclined to be open and honest in their feedback.

Apex offer Listening Plus sessions which do just that. This is a new way of approaching engagement by listening to people across a business in a deeper way. We facilitate the sessions and provide you with a summary of feedback, which is presented to you with suggested areas of development.

If you would be interested in engaging with your people through our listening plus sessions, please contact us for more information.



## Employment Law

Employment Law is a topical debate within parliament frequently. Certain statute of employment law is constantly being updated, changed or repealed. It is always good to be in the know with these updates, changes or repeals. As your HR provider, HR Matters issues will supply you with this information on current and relevant updates, changes or repeals.

# Typical Tribunal Cases Put Forward

## Three examples of tribunal cases:

### Phoenix House Ltd V Stockman

Stockman was dismissed by Phoenix House Ltd. Stockman brought claims against Phoenix house including unfair dismissal, whistleblowing and victimisation. Stockman worked within the finance department where after a period time it was decided by the Finance director a restructure would happen and a process for this was followed. Stockman applied for an alternative role of payroll officer in which she was successful. The time that followed, stockman felt the restructure was not handled correctly and that she felt it was biased against her although she had successfully got her new role. After confiding with a colleague, he agreed with her concerns. An occasion followed where 3 male members of staff were called to a meeting and Stockman was not. Stockman felt she should have been included and interrupted the meeting and demanded to know what the meeting would be about; she was asked to leave, and she refused and went onto say she would put in a grievance. Stockman put in a grievance and became very stressed about the situation. Events that followed led to her inputting a grievance, which was dismissed and leading to her having a disciplinary which in turn led to her dismissal. Their reason for dismissal was that the working relationship with the director has irretrievably broke down, Stockman argued this case, but the appeal was eventually rejected. The employment tribunal rejected the claims of racial harassment and victimisation, which were dismissed, however the claims of unfair dismissal through unfair process was upheld and a compensatory reward was announced.

#### What can we learn from this?

*This case highlighted that when restructuring and changes are to be applied within the workforce, it is important to strategically look at all angles to ensure the process will be fair. Practically if the restructure or changes require the redundancy of roles within the workforce, it is important to follow the correct fair process where criteria is not directly or indirectly discriminatory. As this case has highlighted when the process has not been followed correctly employees that feel injustice can bring a claim of unfair dismissal or discrimination. These particular processes need to be planned and executed properly to reduce the risk of employment tribunal claims to the employer.*

### Canning v National Institute for Health and Care Excellence

Canning was dismissed as part of a reorganisation of the team where Canning worked. The reorganising meant that 9 posts were being reduced down to 6 and 3 were going to be made redundant. National Institute for Health and care Excellence followed an interview process to identify suitability for the 6 posts which meant 3 were unsuccessful including Canning. She was not satisfied with the decision and brought the claims of unfair dismissal and age discrimination against the employer. Canning had performed poorly in the interview and therefore was dismissed, and she claimed that she and two others were the oldest in the pool of people. The employment tribunal rejected the claims as they deemed a fair process had been followed. An appeal made by Canning had also been rejected. The case was dismissed.

#### What can we learn from this?

*Similar to the first claim, this employer followed a fair and proper process and the claimant was dismissed under a fair process. However, the claimant still felt she was unfairly dismissed due to her age. The employment tribunal identified that actually there was no case to answer as the selection process was fair based on performance in interview and on this occasion the employee was not selected as suitable for the role in comparison to her peers.*

## Phones at work debate.....

A common debate amongst employers is to let their employees have their phones with them whilst working. Is this a distraction at work or do we need to trust our people whilst at work?

Some may say that phones are a distraction not only to the individual but to their colleagues around them. Others say they trust their staff not to abuse the use of phones whilst at work.

We, at Apex believe that people should be able to have their phones with them, and to be trusted to use them acceptably. Given this belief, we also know that acceptable use needs to be managed effectively and fairly across the workforce. In an environment where people are trusted and treated like adults, people are more likely to be more productive and loyal to their companies' policies if they are treated in this way.

There are of course environments where personal mobiles may not be permitted, such as customer facing jobs or security jobs, and companies restrict their staff to rest periods only. There are occasions where phones may be restricted throughout the day, such as staff meetings, when making business calls, driving. There also must be some responsibility made by the individual and self-awareness of their actions and consideration for their colleagues when doing so. Managing this in a consistent way will ensure people don't abuse the trust.

In a world which is socially connected digitally, mobile phones are part of people's lives and it can make great business sense to encourage staff to share updates about their work on social media platforms.

What are your thoughts on phones in the workplace, do you agree or disagree?



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## Contact Us

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*Apex offer many HR packages that support with your HR business needs. We are able to provide you with advice and guidance on many areas.*

*So, call or email us at Apex HR and we will be able to discuss the best support package for your business.*

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**Check out our HR Services on our website**