

HR MATTERS

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Welcome to your quarterly HR MATTERS

Falcon House, Eagle Road, Langage, Plymouth PL7 5JY 01752 746627



Welcome to Sam

Joining us as Brand, marketing & social media ambassador, Sam Dobson brings her Art and design roots as well as her love of connecting with people.

After hearing about Apex HR's ethos this lit a fire in her, to bring the Human way to platforms right across the internet, broaden Apex HR's reach and present new ways to communicate the future of HR.

A hippie at heart, you may find Sam on a weekend, with her son and Husband, wandering by the coastline or wild and free in the woodlands locally in Plymouth, meditating, reiki healing with crystals, or blending essential oils.

She also may be dancing to music, working out in the gym, or whatever takes the mood to feel great.

Menopause in the workplace

Menopausal women are the fastest-growing demographic in the workplace; however, many of these women may be struggling to manage the psychological and physiological changes their bodies are going through. The menopause can have a significant impact on the daily lives of people in the workplace and, in turn, have a negative impact on their performance and attendance at work.

Some symptoms may last for several years and can include anxiety, reduced concentration, issues with memory, mood swings, sleep disturbance, hot flushes and heavy periods to name a few – all of which can be both physically and emotionally distressing. The psychological effects can also impact relationships in the workplace. For some, symptoms are so severe that they need to take time off or leave their job altogether, but feel unable to disclose their reasons for absence to their managers.

Organisations should treat the menopause as they would any other health issue, not only to break the stigma and taboo surrounding the menopause at work, but to create an inclusive environment where employees and managers feel able to discuss any reasonable adjustments that may be needed.

Talking about the menopause can break the taboo and help people get the support that they need. Provide information on how people experiencing the menopause can get the support they need. Promote awareness of the typical symptoms and the simple changes that can support menopausal people through the transition to all employees. Use gender-neutral language where possible.

Line managers play a vital role in supporting colleagues with menopausal symptoms. Educate managers about the menopause, who it can affect, and how they can support colleagues going through it. Give them adequate training and development to confidently manage attendance in their team – a robust yet flexible absence management framework that highlights the menopause as a potential long-term and fluctuating health condition will help managers take the right approach to suit individual circumstances. Train managers to take a proactive and positive approach to performance management that takes on board any health issues.

Often a few simple changes to the working environment can make a world of difference – even just talking about the menopause openly can reduce the impact of some symptoms and enable people to continue performing well in their roles.

Menopause shouldn't be a taboo, and everyone should feel confident to have a conversation with their line manager, especially when they need guidance and advice. Open cultures need to be created where people feel comfortable to say they're struggling with symptoms.

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Supreme Court Ruling - Brazel vs Harpur Trust

Ms Brazel worked for Harpur Trust as a music teacher on a term-time only basis. In accordance [at the time] with ACAS guidance she received 4.7 weeks holiday per annum [ACAS has since amended its guidance]. Ms Brazel stated that her holiday pay should not be pro-rated to reflect that she doesn't work the full year and that she should receive 5.6 weeks holiday. The initial employment tribunal found in favour of the Harpur Trust. Ms Brazel appealed this decision, and her case was eventually heard by the supreme court.

At the time, term-time team members had their holiday reduced to the proportion of the year they had worked. Therefore, a team member working for 39 weeks of the year would be entitled to less holiday than a team member working all year round. However, the court found that although the Working Time Regulations 1998 provide provisions for a team member who works less than a full week, it does not provide any provision for those team members who work full weeks but for only a certain number of weeks of the year, such as term time only or other part year workers. Therefore, the supreme court found in favour of Ms Brazel.

When calculating holiday pay, this must be paid at 'normal pay' rates. Term-time team members who work different hours each week or receive different rates of pay, previously had this calculated by using an average out of the 39 weeks over 52 to provide their 'normal pay' rate. To use this method of calculation you must only use the weeks actually worked and must go back further than 52 weeks to gain this information if required. A term-time only team member who works 39 weeks per year would have 5.6 weeks holiday added to their pay. They would normally be paid this in 12 equal monthly payments throughout the year.

If you have team members who work zero hours contracts, previously you may have used a percentage of hours worked method, calculating 12.07% of hours worked. This method will only apply if the team member works every week. However, we would not recommend using this method of calculation any longer. There are 2 suggested methods to calculate zero-hour team member's holiday;

- Zero hours team members can only take off full weeks as holiday. Therefore, when calculating this pay, employers can calculate an average over the previous 52 weeks [going back further if there were any weeks the team member did not work] or;
- Using 'guesstimation' you can work out what a reasonable estimate 5.6 weeks holiday would look like using previous data. However, when using this method, you will be required to recalculate at the end of the year using actual data to ensure the team member has been paid for their entitled holiday allowance and adjust if necessary.

You are required to recalculate holiday pay for term-time and part year team members. If adjustments are required these should be made and backdated. The judgment reached by the supreme court has significant implications for the calculation of holiday for term-time and part year team members.

Calculation of holiday pay can be complex, and it is essential that organisations sense-check their current

practices in relation to this ruling. This will ensure you maintain compliance and avoid any potential future challenges. Apex HR is here to guide you in this matter and provide peace of mind regarding your compliance with employment law.

If you would like further information or support on term-time or part year team members' holiday calculations, then please contact a member of the team and we would be delighted to help.



Team Apex celebrated summer with the most spectacular BBQ joined by our family and friends. Wembury beach was the perfect location, with delicious food from our very own amazing client - the Salcombe Meat Company, cooked by Kevin and Kelly.

Our children enjoyed the freedom of the beach and each other's company whilst our loyal admin dogs enjoyed new company and playing fetch, all to the beat of some epic tunes from our resident DJ Kevin.

We finished our evening off with a hot chocolate as the sun went down.



Save the date

Celebrate our 5th birthday with us

Friday February 3rd 2023

More details to follow