



# HR SOLVE IT



MONTHLY NEWSLETTER - DECEMBER 2022

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## Health Check

I want to help businesses ensure they comply with legislation, and this is forever changing, and you have more important things to do. When HR goes wrong it can be very costly and even more time consuming to put right at that stage.

So how does it work? Complete

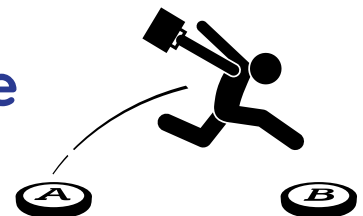
the online HR health check on my website (15 minutes max). I'll then look at the results and contact you for a free no-obligation chat to talk through them and how HR Solve It can support you moving forward. Just pop over to my website and click on the HR Healthcheck tab.

## F.A.Q - Can I refuse an employee taking a second job?

You need to review your contracts to see if you have a clause for secondary employment.

Assuming you do have this clause you need to remind employees if there is a requirement to make you aware of this and discuss the impact of the second job with the employee. If you do not have this clause you may wish to consider including it moving forward.

With the increases in energy, mortgage, and rent payments bite, it is more likely that some of your workforce will take



second jobs in an attempt to balance their budgets. As an employer, you should be mindful of the maximum limit (48 hours) on weekly working hours, as this is the total of all employment, not each job.

If it is likely the additional post will tip them over the 48 hour threshold you will need to ask them to sign an opt-out agreement. You also need to consider risk assessments in terms of the physical and mental health of the employee, to avoid accidents and burn-out.

Need HR advice? Give me a call on 07739 793615



Should I make sure my employee's take their leave before the end of the year?

You should keep an eye through the year and give a gentle nudge if they are not booking leave. You can make your team take leave but you need to give twice as much notice.

Is there a difference between equality, diversity and inclusion?

In short, yes! Equality means you should have equal rights, diversity is about recognising and respecting differences. Inclusion is making everyone feel welcomed and valued.

What can I do if an employee is scrolling social media when they should be working?

Draw up a clear social media policy (if you do not already have one) and make sure everyone has read it and has access to it. Everyone will then know what is acceptable use and the consequences if they don't follow your policy.

## Do I really need policies and procedures?



As your business grows and develops, it's important to introduce people policies to ensure a consistent and fair approach is adopted for everyone - both you and your team want to know what's expected of them and where they stand.

You can get away with structure when everything is plain sailing but the moment there is an issue, whether it be performance, grievance, or sickness issues, which can be common in the workplace if you don't have a robust policy to follow, what should be fairly straightforward to deal can become a headache.

### **Contracts of employment**

When a new employee starts the contract of employment (which they need from day one) will probably be the first document they will see, make sure it is relevant and covers the key issues for your business.

### **Employee handbook**

The contract of employment often refers the staff member to the employee handbook (otherwise the contract would be sooooo long). It needs to address key employment issues for example your rules on employee behaviour and how you deal with

absence, performance, leave. Make it clear so your employees understand their responsibilities and the company's expectations.

### **Employment law**

You may have some policies from when you first set up, but have they been reviewed in the last few years? Employment law, whilst a potentially dry subject, needs to be followed. It is easier to do this when you know your policy mirrors it.

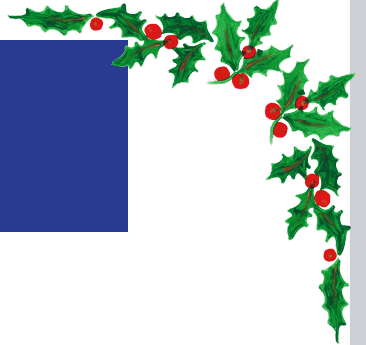
### **Business risk**

If you do not have contracts or policies in place, you are leaving your business open to risks. Employment law is a complex grey area that evolves and can trip you up. Once you have your documents in place you need to adapt them over time if there are legislation changes.

### **Need some help building those foundations?**

I can work through these steps with you and review what you have in place (or advise on what you need if you don't have anything in place) and either recommend and implement changes if needed so they are compliant and user friendly or develop a fresh selection of procedures and processes that are tailored specifically for your business and for your people.

# Managing redundancy



Be open  
Be honest  
Be fair

In the current economic climate, you may need to consider restructuring your business and making redundancies.

You need to consider:

- ➔ If you plan to make 20 or more redundancies, then collective redundancy rules apply, and you must allow at least 30 days for consultation before any dismissals are made.
- ➔ For more than 99 redundancies, you must allow at least 45 days for collective consultation.
- ➔ If there are fewer than 20 redundancies planned, you can consult individually, and the consultation process is more fluid in terms of timelines and processes. The process can be fairly quick (less than 2 weeks) and pretty simple (although I appreciate it may not feel that way).

There is a clear structure that needs to be followed and it needs to be fair, meaningful, and lawful. Failure to follow it could result in tribunal action and a reputational backlash to your business.

Have you considered alternative measures that could be put into place?

- Reducing sub-contracting

- Temporary lay-offs or short-working
- Freezing recruitment
- Banning ad-hoc overtime
- Accepting voluntary reductions in pay or working hours
- Considering whether any employee whose job might be redundant can be transferred elsewhere within the company or whether the employee can be retrained to carry out other types of work.

Make sure you listen to the ideas the team may present or the challenges they make as part of the consultation. Give feedback about these proposals and why they may or may not work.

The hardest part can be making decisions about who stays and who goes. You can use a selection matrix based on set criteria which may include behaviours, performance, cultural fit etc. or you ask employees to re-interview for their roles.

Make sure your communications with the team are clear, timely, open, and transparent. Remember it can be just as hard for the people that remain as well as the people whose posts are made redundant.

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# The Twelve days of Christmas



## On the 1st Day of Christmas

You may get requests from your staff to have time off or ask to start work a little later or finish a little earlier in order to attend their youngster's nativity. Whilst there is no statutory right to time-off in this regard, try and be flexible and keep in mind staff morale if requests are unreasonably refused.

## On the 2nd Day of Christmas

The Office Party - The party should be fun and social, but as it is an official company-organised event it is an extension of the workplace. As an employer, you can be held vicariously liable for discriminatory acts by employees. It is advisable to issue your team a reminder that the organisation rules on acceptable behaviour will still apply at the event and that incidents of misconduct will be treated seriously. If a staff member claims that they have been harassed by a colleague, swift action should be taken to deal with it in line with your policy.

## On the 3rd Day of Christmas

Make sure everyone is aware of your social media policy and any abuse thereof in relation to any comments or pictures that may be posted from social events.

## On the 4th Day of Christmas

If you are asking staff to work compulsory overtime during the festive season, make sure their contract makes this clear. If there is no contractual obligation you can only ask, likewise if it is compulsory, failure to follow it could lead to disciplinary action.

## On the 5th Day of Christmas

Make sure all your staff are clear about their shift pattern for the festive season and if there are last-minute changes that they are communicated clearly.

## On the 6th Day of Christmas

If a staff member is too unwell to come into work but is then able to dose themselves up and go out later for a Christmas drink, and is then seen by work colleagues, have that difficult conversation with the staff member as soon as reasonably practical.

## On the 7th Day of Christmas

Keep an eye out on your staff and their mental wellbeing, whilst it can be the season to be jolly the festive season can also be a difficult period and can trigger anxiety.

## On the 8th Day of Christmas

Gifts from suppliers and providers - make sure your staff are aware of the company anti-bribery policy that you have in place.

## On the 9th Day of Christmas

Secret Santa - without wanting to sound like a party pooper, if you have 'Secret Santa', make sure everyone is aware that offensive or inappropriate gifts are a 'no-no'

## On the 10th Day of Christmas

Adverse weather conditions - The idea of snow can sound idyllic for some, but during the festive season it can cause havoc and affect public transport. You may need to adopt a degree of flexibility with regard to alternative options or start and finish times or working from home where it would not be the norm.

## On the 11th Day of Christmas

If it gets really cold out there, just remember under HSE regulations, the temperature in your workplace can't drop below 16 degrees centigrade for office workers.

## On the 12th Day of Christmas

I'd like to wish you a very Merry Christmas to all my current and future clients. I hope you have a wonderful Christmas and a Happy New Year, and I look forward to working with you in 2023.

# Statutory rates 2023

## National Minimum Wage (NMW) for April 2023.

	Rate from April 2023	Current rate	Increase
National Living Wage	£10.42	£9.50	9.7%
21-22 Year Old Rate	£10.18	£9.18	10.9%
18-20 Year Old Rate	£7.49	£6.83	9.7%
16-17 Year Old Rate	£5.28	£4.81	9.7%
Apprentice Rate	£5.28	£4.81	9.7%

## Family-friendly payments

**Statutory shared parental pay (ShPP)** - Statutory rate or 90% of employee's weekly earnings if this is lower.

**Statutory maternity pay (SMP)** - First six weeks - 90% of employee's average weekly earnings. Remaining weeks at the statutory rate or 90% of the employee's weekly earnings if this is lower.

**Statutory adoption pay (SAP)** - First six weeks - 90% of employee's average weekly earnings. Remaining weeks at the statutory rate or 90% of the employee's weekly earnings if this is lower.

**Statutory paternity pay (SPP)** - Statutory rate or 90% of employee's weekly earnings if this is lower.

**Statutory parental bereavement pay (SPBP)** - Statutory rate or 90% of employee's weekly earnings if this is lower.

**Rate from April 2023 - £172.48**

Current rate - £156.66

## Statutory sick pay

Statutory sick pay

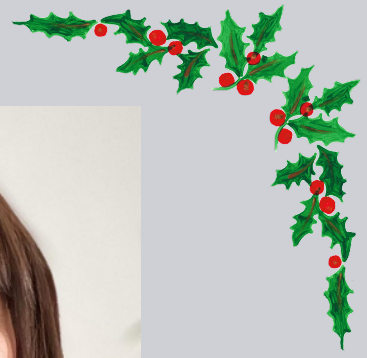
**Rate from April 2023 £109.40**

Current rate - £99.35

Lower earnings limit (per week)

unchanged - £123

Need HR advice? Give me a call on 07739 793615



If you need expert HR advice please give me a call

Let's find the right solution for you, whether it is:

Pay as you go  
Project work  
Monthly retainers

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**HR EXPERT FOR SME'S IN EAST KENT**