

HR SOLVE IT

MONTHLY NEWSLETTER -February 2023

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HR 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.

Do I need policies and procedures?

I know it's not the most exciting topic but.....if you haven't updated your policies for a while, there's a good chance they could be out of date, or you may not have the right formal policies in place for certain situations.

It's always easier to manage a situation when you have a structured policy in place, rather than be on the back foot and as an employer, it can help you stay ahead of the game.

As your business grows and your team expands, it's increasingly likely that you'll experience more situations.



As soon as you have one employee you need in place a grievance and disciplinary process and once you have five employees you need a health and safety statement and policy.

Having the right policies and procedures in place shows you have your employees' best interests at heart, but it also ensures you are protecting your business from tribunals or other proceedings.

Let me take the hassle out of the process and draw these up for you.

Need HR advice? Give me a call on 07739 793615

Do I have to let my employee go as their child's school has called and asked them to collect them?

Employees have the statutory right to take time off to care for those dependent on them. This is an **unpaid** right and is to be used in unexpected situations where their dependent is in need of urgent support, such as when they become unwell and need to leave school or have an accident. If the employee needs to, they can leave work under this right to provide immediate care to the dependent, and then make arrangements for further care. This does not give the right to extended time off.

Due to this right, you should let this employee leave to collect their child. Ask them to keep you informed of what is happening, and to contact you when they know whether or not they expect to be at work tomorrow. Again, they do not need to be paid for this time.

Can I include a ban on employees working for another employer in their contract?



The Exclusivity Terms for Zero Hours Workers (Unenforceability and Redress) Regulations 2022 came into force from 5 December 2022. These regulations make exclusivity clauses unenforceable in employment contracts where the guaranteed weekly income is below or equivalent to the Lower Earnings Limit (LEL) – currently £123 a week.

This means that if the contracts you have guarantee these employees the same as, or less than, the current rate of the LEL then you cannot stop them from working elsewhere; clauses setting this out should not be in the contract with the employee as they cannot be enforced. This applies even if these employees regularly earn over the LEL: the key is how much they are guaranteed to earn each week.

Based on current national living and minimum wage rates, this will affect those guaranteed up to around 13 hours (this will vary depending on the individual's age and rate of pay).

This does not prevent you as an employer asked an employee to advise you if they have a second job. If you are aware they have a second job you will need to consider if they are likely to work more than 48 hours a week and the implications arising from the current working time legislation.

They can choose to opt out of the 48-hour limit by providing you written notice agreeing that the limit shall not apply. Once this agreement is received, the average working week, including overtime, can exceed 48 hours. This agreement can continue indefinitely throughout their employment. This agreement can also be rescinded by either party with adequate notice.

Employee retention

A Company's strongest asset is its people. It takes time and expense to recruit and train new starters, and develop employees during the course of employment to maximise effective performance.

Some movement out of the company is only natural, as employees move locations, reach a new stage in life, or change roles for other reasons. The retention of valuable employees is extremely important to the sustainable performance of organisations coupled with the investment to develop them.

To increase retention rates, you need to develop a clear understanding of the things that matter most to your employees (this can be gathered through HR data via surveys, exit interviews, focus groups and development conversations, etc) so that the findings can be integrated into a successful retention strategy.

The main processes involved in employee retention are appraisal, human resource strategy development, assessments of the knowledge and skills base in the organisation. You also need to consider selection and appointment processes that impact upon employee retention, job and process design, and compensation package (pay, benefits, etc) design you offer to enable employees to be appropriately recognised and rewarded.

You may already have quite a lot of information that you can draw upon that can shed light on retention. The most direct measures are actual numbers of leavers in a period, average length of service, average age at leaving and average age of the workforce.



Employee turnover is often greater in the first six months of employment. This may be due to recruiters “over-selling” roles in the recruitment process and by failing to give new recruits an effective induction into the role and the organisation.

Employee development is an important part of employee retention. Employees who are concerned about developing their careers look for organisations that will encourage and support them in this.

Exit surveys and interviews seek to establish why people are leaving their employment with an organisation, so that lessons can be learned and applied within the organisation to address issues of management style, employee development, terms and conditions of employment, pay and benefits, and the culture and climate of the organisation.

Stay interviews can also be used to gather more detailed information on why employees remain with the organisation.

Tailoring benefits to suit employees, and providing benefits that look after the employee as a whole, inside and out of the workplace, will also assist in keeping retention rates high.

Whats new for 2023?

EMPLOYMENT LAW



Some Private Members' Bills progressing through Parliament:

The Employment Relations (Flexible Working) Bill will make the right to request flexible working a 'right from day one', introduce a requirement for you as an employer to consult with employees before rejecting their requests for flexible working, permit an employee to make two requests per year, require a decision to be made within two months, and remove the requirement for employees to explain the impact of their proposed change on the employer.

The Carer's Leave Bill will entitle employees with care obligations to take one week of unpaid leave per year.

The Neonatal Care (Leave and Pay) Bill will give employees with responsibility for children receiving neonatal care for at least seven days a right to leave and pay for up to 12 weeks.

The Protection from Redundancy (Pregnancy and Family Leave) Bill will extend the protection from redundancy that currently applies to employees on maternity/adoption/shared parental leave to apply to employees who are pregnant and those who have recently returned from

maternity/adoption/shared parental leave.

Retained EU Law:

The Revocation and Reform aka Brexit Freedoms Bill is to free the UK of all the retained EU laws by the end of 2023, except for those pieces of legislation that the UK Government wants to keep in place. There are over 2,000 pieces of retained EU law to be reviewed before the end of the year.

Pay and Benefits:

The Employment (Allocation of Tips) Bill says that an employer must ensure that the total amount of tips, gratuities and service charges paid is allocated fairly between workers of the employer at that place of business.

Other possible employment law changes

Several bills are due to be debated in the House of Commons:

- Worker Protection (Amendment of Equality Act 2010) Bill
- Fertility Treatment (Employment Rights) Bill
- Miscarriage Leave Bill
- Working Time Regulations (Amendment) Bill
- Human Rights and Modern Slavery (Bill of Rights) Bill

Further updates to follow.

www.hrsolveit.co.uk

07739 793515

amanda.nicholls@hrsolveit.co.uk

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If you need expert HR advice please give
me a call

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

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amanda.nicholls@hrsolveit.co.uk

07739 793615

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