



hr2go

CONSULTANCY December 2023



How will you ensure acceptable conduct at the Christmas party?

Do you know how many times I've sat in a formal hearing where an employee has been dismissed for their unacceptable behaviour at the Christmas party? Give me a call and I'll tell you!

The Christmas party is always a conundrum. It's a great way to show your employees that you appreciate their hard work, but it can be a recipe for disaster especially when alcohol is added into the mix.

I like a party as much as the next person but am also very aware of the risks involved for employers where they are found to be vicariously liable for the actions of their employees at office parties, if those actions are deemed to have been committed in the course of employment.

So, what can employers do?

In advance of office parties, employers should take all reasonable steps to prevent employees from carrying out particular acts. This could be in a policy on conduct at work-related social events

or send all staff an email or letter inviting them to the Christmas party which sets out the standard of behaviour expected and what kinds of behaviour are unacceptable.

At the office party itself, you could designate managers to be in charge of monitoring the activities of staff and their intake of alcohol. These managers should advise serving staff to ensure that employees who have had too much to drink are refused further service. They might even have to be prepared to ask an employee to leave.

Employers will not have much of a defence if they have turned a blind eye to an employee becoming completely inebriated or indeed if they have even encouraged it by providing a free bar. It is a sensible option to limit the amount of free alcohol provided.

Employers also need to be mindful of employees who do not drink for personal or religious reasons and ensure they are accommodated at the office party.

This month I'm talking about how to resolve workplace disputes through mediation and of course the hot topic in December; the Christmas party!

In this December newsletter my aim is to share experiences along with best practice HR and employment advice.



You can also request an initial free 30-minute consultation to see if I can help you.

Please contact me using any of the methods listed below. I would love to hear from you!

hr2go Consultancy is here to support you with any of your HR issues or concerns

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How to resolve workplace disputes...

Most HR professionals dislike the grievance process. If a company can resolve a dispute informally, then they should have done it before it has got to the grievance stage. Workplace conflict can be detrimental to business in a number of ways and the benefits of using mediation to resolve disputes can be far-reaching.

I recently undertook mediation training and am pleased to announce that I passed and am now an accredited and certified workplace mediator!

I've done mediations previously, but it was so useful to do the training to further enhance the skills I have to successfully mediate a workplace dispute. Mediation focuses on the interests of the parties to the dispute, helping to address their differences productively through dialogue.

As an HR professional it is inbuilt in me to investigate and find a solution but that's not what mediation is about. As a mediator it is your role to facilitate mediation to encourage the parties to a dispute to resolve their conflict and empowers them to become accountable and responsible for the outcome of the process.

Mediation lends itself to addressing many of the common conflicts that exist in the workplace and encourages the employer to maintain the welfare of its employees.



...through mediation.

Some of the many benefits include:

- **Time.** Workplace disputes can be time consuming, often involving days or weeks of employees' working time. Many people can be directly involved in a conflict or in trying to resolve it. Managers, HR professionals and legal departments can be drawn into the conflict, to help seek an outcome to the dispute. As an HR consultant I could probably earn more money doing a grievance investigation than I can a mediation, but that's not the point! Grievances don't resolve issues - they make them worse.
- **Productivity.** Disputes can distract colleagues and team members on the periphery. Employees' working time can become dominated by a conflict, if they spend time discussing it or simply thinking about it. As a result, people are less productive and effective.
- **Health.** It is not uncommon for employees involved in workplace conflicts to suffer stress-related illnesses. As a consequence, they may need time outside the workplace to recover. Their colleagues may be burdened with handling an excessive workload, and may develop resentment towards those who are absent.
- **Decisions.** People involved in a dispute can act in a way that generates negative consequences. This behaviour is unintentional however an employee involved in a dispute may make decisions that are not in the best interests of the organisation.

What's on the agenda for 2024!

2024 is going to be a busy year for employment law updates. Here's a summary for employers on the top upcoming employment laws and regulations, with some effective dates.

Carer's Leave Act 2023

The Carer's Leave Act 2023 provides for one week of unpaid leave per year for employees who are providing or arranging care for a dependant. The provisions of the Act are subject to secondary legislation (regulations) being introduced and brought into force. It is not yet known when regulations will be introduced.

Holiday entitlement for irregular hours workers and part-year workers calculated at 12.07% of hours worked

An accrual method will be used to calculate holiday entitlement for irregular hours workers and part-year workers. Entitlement will be calculated at 12.07% of hours worked in a pay period. This method will apply during the first year of employment and beyond. The draft Regulations have been laid before Parliament and are due to come into force on 1 January 2024. The change will apply to holiday years beginning on or after **1 April 2024**.

Rolled-up holiday pay allowed for irregular hours workers and part-year workers

Rolled-up holiday pay will be an option for employers calculating and paying holiday pay for irregular hours workers and part-year workers. Rolling-up holiday pay involves paying an additional amount representing holiday pay for each pay period throughout the year, instead of paying holiday pay at the time annual leave is taken. The change will apply to holiday years beginning on or after **1 April 2024**.

National living wage extends to 21-year-olds and all rates increase

The national living wage (the top rate of the national minimum wage) is extended to apply to workers aged 21 and over (before 1 April 2024, the top rate applies to those aged 23 and over).

Direct TUPE consultation for small businesses and where fewer than 10 employees transfer

The requirement to hold elections for employee representatives for TUPE consultation will be removed for small businesses and for transfers of fewer than 10 employees. Where they do not already have employee representatives in place, employers will be able to consult directly with employees on TUPE transfers. The change will apply to TUPE transfers taking place on or after **1 July 2024**.

And last but not least we have changes to statutory flexible working request rules

The Employment Relations (Flexible Working) Act 2023, provides for changes to the rules on statutory flexible working requests, including allowing employees to make two requests in a 12-month period and reducing the time within which the employer must notify the employee of its decision to two months. The Government has also confirmed its intention to introduce legislation to take forward measures including making the statutory right to request flexible working a day one right.

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