



hr2go

C O N S U L T A N C Y February 2024



What's the risk of personal relationships at work?

Who's been in a romantic relationship with someone at work? Did it end well? On this Valentine's Day, I share my thoughts on personal relationships in the workplace.

People who work together often form personal friendships and, in some cases, romantic relationships. While personal friendships at work are generally to be encouraged, a romantic relationship between colleagues who work together can result in actual or potential difficulties.

Where there is the possibility that such a relationship could interfere with an individual's work, objectivity when making decisions or behaviour at work, the matter becomes the rightful concern of the organisation.

While an organisation will not wish to interfere with employees' personal lives or relationships, it may nevertheless be appropriate and necessary for line managers to be equipped to

have the right conversations to ensure they treat staff fairly and equally.

Problems that might arise

If two people are, or were, in a romantic relationship - were to work together in circumstances where one had managerial or supervisory authority over the other, difficulties could arise.

There might be a conflict of interest, for example, the manager may find it difficult to carry out an objective performance assessment.

There may be perceived or actual favouritism in relation to matters such as the granting of leave, allocation of overtime and approval of expenses claims.

There could be perceived or actual victimisation if the relationship breaks down and the risk of the inadvertent or deliberate disclosure of confidential information.

Similar problems can arise with two employees who are related to one another!

We are now in February and my aim is to share topical subjects with my readers! The frequently asked HR questions section will also help employers to stay informed.

In this February newsletter I discuss recent experiences along with best practice HR advice to help businesses support their workforce.



You can request an initial free 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

07779 508972
01279 771098
natalie@hr2goconsultancy.co.uk



Supporting employees with a terminal illness

Receiving a terminal diagnosis can be the most difficult news someone will ever hear and many people in this situation will be in employment and yet few employers know how to support employees with a terminal illness.

Many of us find it very uncomfortable to talk about end-of-life illness and death and so the stigma around these issues extends into the workplace. Employers have a responsibility to tackle this taboo and foster a compassionate culture that supports people with a terminal diagnosis.

Many people need or want to carry on working with their diagnosis. With effective practical support and advice, they can continue to make a valuable contribution at work and work safely and productively.

The legal position of terminally ill employees mainly depends upon the written and verbal agreement between employer and employee, including any special variations agreed after the terminal diagnosis. Under the Equality Act 2010, a person has a legal disability if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities. As terminal illnesses progress, people are more likely to meet the disability criteria.



So, what can you do?

Some terminally ill employees may not be able to continue in their role, for example those in highly hazardous or emergency roles. If a person is unable to work, or chooses not to, the employer can discuss a mutually agreed departure, bearing in mind that if the employee leaves, they may not be entitled to any death-in-service benefits. Overall, an employer's duty of care encompasses supporting the employee.

Employers must make reasonable adjustments under the Equality Act so disabled employees (including the terminally ill) can continue their job if they wish – for example, changes to hours and working patterns, reduced workload, reallocating duties, granting time off for treatment and medical appointments, and working from home.

Employers must consider an employee's terminal illness and symptoms when deciding about reasonable adjustments to retain them in employment rather than dismissing in accordance with a sickness absence policy.

To avoid discrimination claims, employees should be allowed to work in their original role or an adjusted one for as long as they wish, subject to capability, medical advice, and health and safety considerations.

If the employee needs time off, four main types of leave may be available such as sick leave, extended special or compassionate leave, annual leave or flexible working.. Someone facing a terminal illness may initially request changes to working hours or location of work. Most importantly remember to tailor support for individuals.

Your top HR questions answered!

It's important that business owners keep on top of new legislation and should consider the implications and practicalities of changes to reduce legal risk.

Carer's Leave Act - comes into force on 6 April and allows carers to take one week's unpaid leave in any 12-month period to look after a dependant with a long-term care need, such as illness, injury, disability or old age. Leave can also be taken in individual days or half days.

Can an employer refuse an employee's request to take statutory carer's leave?

An employer cannot outright refuse an eligible employee's request to take carer's leave, except where the employee has exhausted their entitlement for the relevant period (i.e. one week's carer's leave within any 12-month period). However, the employer can postpone an employee's carer's leave if it reasonably considers that its operations would be unduly disrupted. The employee must be allowed to take the requested carer's leave within one month of their original request. To postpone the leave period, the employer must provide a written counter notice within seven days of the request, explaining the reason for the postponement and the revised dates on which the employee can take the leave.

Do employers have to pay employees while they are on statutory carer's leave?

No, carer's leave is unpaid. This means that sums payable by way of wages or salary cease during an employee's carer's leave. However, all other terms and conditions of employment should remain in place, including the accrual of annual leave. There is nothing to stop employers from enhancing carer's leave, for example by continuing to pay employees their normal wages or salary. Paid carer's leave can be a valuable tool for employers that are seeking to support carers within their workforce.

Employment Relations (Flexible Working) Act - set to come fully into force on 6 April will improve current flexible working rights, allowing employees to make two formal flexible working requests in a 12-month period. The right to make a flexible working application also becomes a day one right on 6 April 2024. Employers will need to consult with employees before rejecting any such applications and will have only two months to consider and decide the outcome. The eight statutory grounds for rejecting a flexible working request remain unchanged.

Can an employer withdraw from a flexible working agreement if the arrangements are no longer in its interests?

Once a flexible working request has been agreed it forms a permanent change to the employee's contract, unless agreed otherwise, and cannot be changed without further agreement between the employer and employee. The employer and employee can agree that the arrangements are temporary, or subject to a trial period. Employees who request flexible working because they have caring responsibilities may have difficulty changing their care arrangements should the employer wish to revert to the previous working arrangements. If, following a request for flexible working, a permanent change is made to a contract, the employer cannot make unilateral changes to the contract. If it does, the employee will have a potential claim for breach of contract and, possibly, unfair constructive dismissal.

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



You can also request an initial free 30-minute consultation to see if I can help you. Please do contact me using any of the contact methods listed below. I would love to hear from you!

07779 508972

01279 771098

natalie@hr2goconsultancy.co.uk