



When virtual social lives invade the workplace

A growing number of employers have banned sites such as Facebook, YouTube and Twitter from the workplace because they feel staff spend too much time on them. The main concerns are:

- Time-wasting
- Increased security risks such as viruses
- An increase in non work-related activity
- Loss of productivity
- The inappropriate use of images or content
- Potential damage to their organisation's reputation.

In the first quarter of 2009, Facebook cost at least two women their job and landed others in hot water. In April one was discovered using the website despite claiming to be too ill to use a computer. In the same month a male firefighter in Wales was found to have offending remarks about people he had helped in his job posted on his Facebook page and has since been disciplined. In February, a 16-year-old girl was fired after just three weeks' service when her employer discovered she had described her office job as "boring" on her Facebook page, citing the act a display of "disrespect and dissatisfaction." The British Transport Police were recently required to discipline a senior member of staff who had posted inappropriate photos of himself posing in his uniform on Facebook.

TUC general secretary Brendan Barber believes that employers need "thicker skins" in relation to social networking websites. He said: "Most employers wouldn't dream of following their staff down the pub to see if they were sounding off about work to their friends."

In a recent survey of over 200 senior HR practitioners, a vast majority (66%) said their organisation allows employees access to social networking websites, although some organisations already have a policy of only allowing staff access to such sites outside core business hours. 45% of organisations surveyed plan to start monitoring such web usage and 24% are intending to introduce a limitation on online social networking activities in the next six months. 8% are so concerned that they are implementing a complete ban.

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Just to be contrary, studies in Australia have gone as far as to suggest that workers are 9% more productive when they access these sites. The research indicates that using a social website to send a message or catch up with someone means taking a quick break from the routine of their work, which helps to boost concentration. It's argued to be the same principle as having a ciggie break, reading a magazine or newspaper, or popping out to grab a coffee, although none of these activities are banned and tend to be widely accepted in organisations.

It doesn't help that in our modern age of flexible and mobile working, so many workers today work from a laptop. A recent survey by Vodafone revealed that 68 percent of office workers supplied with a laptop felt that using it for their own personal purposes was a 'fair exchange' for the company technology invading their home life, and contributed to the work/life balance.

In obvious support of this sentiment, 65 percent of senior managers said it was acceptable. But it is essential that IT managers update their security software regularly to protect against viruses etc. It is also essential for them to manage their company assets, whether at the office or mobile, and ensure they have the right measures in place to prevent inappropriate, illegal or irresponsible use without reducing the benefits of them.

Having a clear and well-written e-mail policy that has been given to all employees to read and then sign acceptance can protect both them and your company from embarrassment and potential legal

consequences. For instance, if your company owns the email system, which is highly likely, it should be a priority to tell your employees that the company reserves the right to monitor that e-mail. An employee can write and transmit what they like at home on their own e-mail account, but when they do the same at work, their e-mail is, in effect, being written on corporate stationery, the tone and words should be as professional as if they were conducting a business meeting.

There's a huge gap between what people think others will find acceptable and amusing, and what in reality is generally accepted and taken in good humour. Typical email abuse includes jokes, harassment, messages taken out of context, and forwarding of inappropriate pictures. The onus is on HR professionals to draw up strong policies and disseminate them clearly to staff.

Employers should be clear about their own behaviour - for example, if they monitor staff activity online, what will they be monitoring,

Budget 2009

Mr Darling swung a stinging tail at small businesses in his budget briefing in April by increasing the statutory redundancy payments from £350 to £380 per week at a future date. If you are planning to make any of your staff redundant you should continue to use the former figure in your calculations for the time being.

We'll update you on the proposed increases as soon as the information is available. If you have any questions about redundancy please speak to us at Pinnacle Development Solutions by calling 0800 907 1015, or email contact@pds-hr.com.

This month @ Pinnacle

Currently Pinnacle Development Solutions are involved in:

- Delivering a Seminar on How to Handle Redundancies and Lay-offs
- Providing training in Attendance and Disciplinarys Local Authority managers
- Providing specialist advice to clients on redundancy issues

how, and what they will do with the data they gather? It is perfectly legal for employers to monitor staff activity online, but that monitoring needs to be transparent, 'reasonable', and only hold appropriate information.

Policies also need to spell out to their employees what behaviour online is not acceptable and will result in disciplinary action, and what that disciplinary action might be.

If you do not have a computer and email policy, or you do not know how effective your current policy is, or how to enforce it when you suspect your computer equipment or company email is being abused, get expert advice from Pinnacle Development Solutions. We have developed a number of such policies that work and protect our clients, and you will also find this policy offered on our bespoke HR Toolkit. Please call 0800 907 1015 or email contact@pds-hr.com.

For more information about our HR Toolkit please visit our website: www.pds-hr.com/tool.html.



HR for Success

On June 23rd 2009 Pinnacle Development Solutions will be at the CIPD Conference & Exhibition - "HR for Success" - at the Trinity Park Conference Centre, Ipswich. It's been hailed as the "flagship event for HR representatives" from the East of England with keynote speakers, 12 diverse workshops and an exhibition - definitely not one to miss if you are leading HR in your organisation.

Go to <http://asp.artegis.com/lp/cipdlogind/cipdlogind?1=1> to contact the CIPD organisers if you'd like to attend.

So what did you score?

Congratulations to our mini quiz champions: Colin Stewart of Envisage Solutions who won the magnum of champagne, Rebecca Mason of Ridgeons Timber & Building Merchants Ltd who won an M&S voucher worth £20, and Debbie Collis of Collis Consulting who won the £10 M&S voucher. What did you score? Read on for the answers!

Q1. What is the current minimum statutory holiday entitlement for employees (in days or weeks)? The answer is - 28 days or 5.6 weeks.

On 6th April this year the last element of the statutory holiday entitlement was implemented. Companies are now required to provide their employees with a minimum 28 days or 5.6 weeks holiday entitlement per year, which includes provision for the eight bank / public holidays. This entitlement is also applicable to part-time employees, albeit that they will only be entitled to a pro-rata amount in relation to the hours they work.

Further details on this entitlement can be found in Pinnacle's March 09 newsletter.

Q2. What is the maximum age of a child whose parent can make a request for flexible working? The answer is - 18.

On the 1st April 2009, the right to request flexible working was extended to capture working parents or legal guardians of children up to the age of 16 years. However, this right is further extended up to the age of 18 for parents of disabled children who receive Disability Living Allowance (DLA).

The new rights on Flexible working are covered in Pinnacle's March 09 newsletter.



Q3. After how many days' sickness absence is a doctor's certificate required? The answer is - 7 days.

Currently there are two types of sickness certificates in operation, the Self Certificate and the Doctor's Certificate. For absences of under seven days, the employee is only required to complete a Company Self Certificate. However, for those absences greater than seven days, the employee must visit their GP and obtain a Doctor's Certificate. It's important to note that this system is currently under review and the Government are consulting over the introduction of a new system of 'Fit-Notes / Wellness Certificates'. This could result in a new system that confirms that an employee is now well or fit enough to return to work.

Pinnacle will keep you posted with further developments on this area in future editions of the newsletter. If you are having a problem with absence in your organisation, then you may want to take a look at our February 09 newsletter.

Q4. How many years continuous service is required of an employee to qualify for a redundancy payment? Answer - 2 years.

This is still a slight quirk of employment law. For the most parts the qualification period for certain rights such as flexible working, and maternity pay for example is 26 week's continuous service, but in order to qualify for a redundancy payment the employee must have completed two years continuous service. Just because an employee may not qualify for a redundancy payment does not mean you can't make them redundant - of course you can - and naturally it costs the Company less to do so. However, it's important to remember that if you make an employee redundant who does not have the prerequisite length of service to entitle them to a redundancy payment, the redundancy is an automatic reason for Unfair Dismissal. Regardless of the employee's length of service, they have the right to raise a claim of unfair dismissal with an Employment Tribunal if they feel that a genuine redundancy process has not been followed and/or they have been selected unfairly.

Are you planning on making redundancies? Then take a look at Pinnacle's top 10 tips for handling redundancies in our June 08 newsletter.

Q5. What is the current total Parental leave entitlement for a parent? The answer is - 13 weeks for each child under the age of 5.

This right is further extended for parents of disabled children, to 18 weeks up to their 18th birthday. If the child is adopted, the parent can take a total of up to 13 weeks' parental leave until the fifth anniversary of the child's placement with them or until their 18th birthday, whichever comes first. To qualify for parental leave you must be -

- a parent named on the child's birth certificate or
- named on the child's adoption certificate or
- have legal parental responsibility for a child under five (18 if disabled)

Parental leave does not apply to foster parents. Both parents have the right to parental leave. If you're separated and you don't live with the children, you have the right to parental leave if you keep formal parental responsibility for the children.

So you could have a situation where both parents work for you and each will be entitled to 13 weeks parental leave for each child they have in line with the above qualification requirements.

Q6. Within how many weeks of commencing work does an employee have to be issued with either a Statement of Particulars or a Contract of Employment? The answer is - 8 weeks.

Currently employment law only requires a Company to issue employees with a Statement of Particulars within eight weeks of commencing work. This statement summarises the main Terms and Conditions of employment for the employee, such as salary, hours of work, job title, holidays etc. There is no requirement for companies to issue their employees with a full Contract of Employment.

However, as mentioned in Pinnacle's newsletter of February 08, we would recommend you issue all employees with a Contract of Employment rather than a Statement of Particulars as the former is legally binding and allow the Company greater protection and enforceability in law. If you are thinking of reviewing your contracts or introducing them into your business, then please contact us for advice before you do so.

Q7. Can you ask an applicant this question at a recruitment interview - 'Can you tell me how many days you were absent through illness in the last 12 months? The answer is - Yes.

In general you can ask this question as it's a question based on fact and on the prospective employee's previous attendance. However, depending on how you handle the answer you could potentially land yourself in trouble. For example, you might discover that an applicant has a high absence rate for the previous year, and upon probing you establish this absence related to a condition or illness covered by the Disability Discrimination Act (DDA). Worse, you may not investigate the absence, and then turn the applicant down for the job. The applicant may infer from your actions that their failure in the selection process was directly linked to how they answered your questions and, if their illness is covered by the DDA, they will have a claim for disability discrimination, for which there is no financial cap at Employment Tribunal.

Pinnacle's advice? Choose your words very carefully in your questioning, or better still, separate your investigations from the interview process all together, and when you come to make an offer of employment to them, ensure they complete a

medical questionnaire and that the offer is subject to suitable medical clearance.

Q8. What is the statutory maximum number of week notice to which an employee is entitled to upon termination of employment? The Answer is - 12 weeks.

The notice period to which an employee is entitled increases on an annual basis at the rate of one week per complete year of employment, up to a maximum of 12 weeks after 12 years service. Notice provisions will normally be set out in an employee's contract of employment, and generally companies will give their employees one month's notice during the first four years, and after this, revert to one week for each year of completed service.

Q9. How much does it cost an employee or other individual to submit an application to take an organisation to an Employment Tribunal? The Answer = Nothing!

Currently the only time an employee will incur charges in relation to an Employment Tribunal is when they engage the services of a solicitor to defend the claim on their behalf. Even then it may not cost them a penny, with many no-win-no fee solicitors available and insurance policies covering a wealth of legal costs.

This is even more of a reason to ensure you follow the correct procedure when planning to dismiss an employee. As there is no cost involved with submitting an application, many employees will simply be wanting to test their employer's reaction in the hope that the Company may resist a little. Most companies will ultimately consider the case too expensive to defend at tribunal and find that it makes more commercial sense to settle and pay the employee off.

Further assistance

If you would like further information on any issues raised by this bulletin, or require advice or assistance with any other human resources matters, please call us today on 0800 907 1015 or send us an email.

And if you'd like complete protection against anything the growing volumes of employment law can find to throw at you, don't forget our HR Toolkit - the must-have business accessory for 2008!

If you have been summoned to Employment Tribunal and are unsure whether your employee has a valid case against you, please contact Pinnacle for immediate advice that may save you your profits and your reputation.

Q10. Are you still required to pay something to your employees if you have laid them off for a period? The answer is - NO.

This is a bit of a trick question really, as the answer can be No or Yes, and the answer depends entirely whether you have the contractual right to lay-off your employees without pay. If there is no mention of lay-offs within your contract of employment, then you can still lay-off your employees if required, but you will be required by law to consult with them over this, and agree what you are going to pay them during the lay-off period.

Since Pinnacle would always recommend you have a contract of employment, we would suggest you ensure that this area is covered in the contract, as it removes the necessity of paying your employees in quiet or economically-challenging times. That said, it is not always that simple and as you might expect, there are several implications that arise from not paying your staff while they are laid off. If you would like to know more about laying off employees, please contact us.

So how did you fare? If some of the answers were a surprise to you and there are related issues that are causing you some concern you may find we can give you advice that will allay your fears and set you on the right road. We will happily conduct an HR Audit on your behalf so you can see where you are covered by good HR policies and practice and identify those areas that need to be addressed. You can reach Pinnacle Development Solutions by calling 0800 907 1015, or email contact@pds-hr.com.



The information in this newsletter is of a general nature and is not intended to replace professional advice. We recommend you to ask for specific professional advice before taking any action.

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