



DMH Stallard

Employment law webinar

The new working world Part 2

Contents

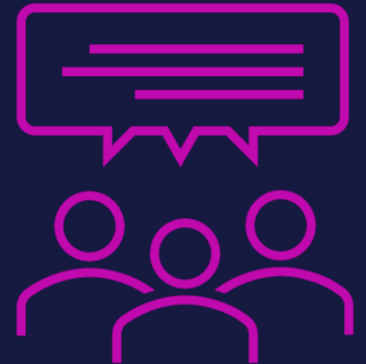
- New working models – **Greg Burgess**
- Legal and practical consequences of different models and dealing with formal and informal flexible working requests – **Simon Bellm**
- Broader impacts – culture and values, productivity and performance management – **Greg Burgess**
- Questions

New working models

Greg Burgess

Will you be automatically
allowing your staff to work
from home in the future?

Poll



How much of their working time will your staff be allowed to work remotely?

Poll



The Government's position

- 5 March 2021 – Liz Truss MP – Minister for Women and Equalities announced
 - Flexible working should be normalised – part-time / flexi-time, WFH, job shares etc.
 - Explicitly offering FW will increase applicants for jobs by 30%
 - Increase opportunities for women
 - Boost productivity outside major cities
 - Nine out of 10 jobseekers want increased flexibility be it remote working (60%), flexitime (54%) or reduced hours (26%)



The COVID impact

- 2019 – Aviva report
 - 22% of workers had moved jobs to get greater work flexibility
 - 46% of workers felt awkward about discussing personal commitments with their line manager
 - 35% of workers uncomfortable about requesting FW
- 2020 - report from the government/Zurich Insurance
 - Trial advertising all roles as flexible led to double the normal number of applications and 20% jump in women applying for senior roles
- 2021
 - 12% of 4,700 research participants wanted to return to M-F 9-5 based in the office; 725 want hybrid model (Future Forum Research)
 - loD – 74% of business leaders said they would keep increased WFH hours

CIPD research

- *Embedding new ways of working: implications for the post-pandemic workplace*
 - Pre-pandemic – 18% of workforce had occasional WFH with just 2% working mostly from home
 - Post-pandemic
 - 40% of employers expect more than half of their workforce to work regularly from home (more than one day a week)
 - None of the companies surveyed said that their staff would be WFH full-time

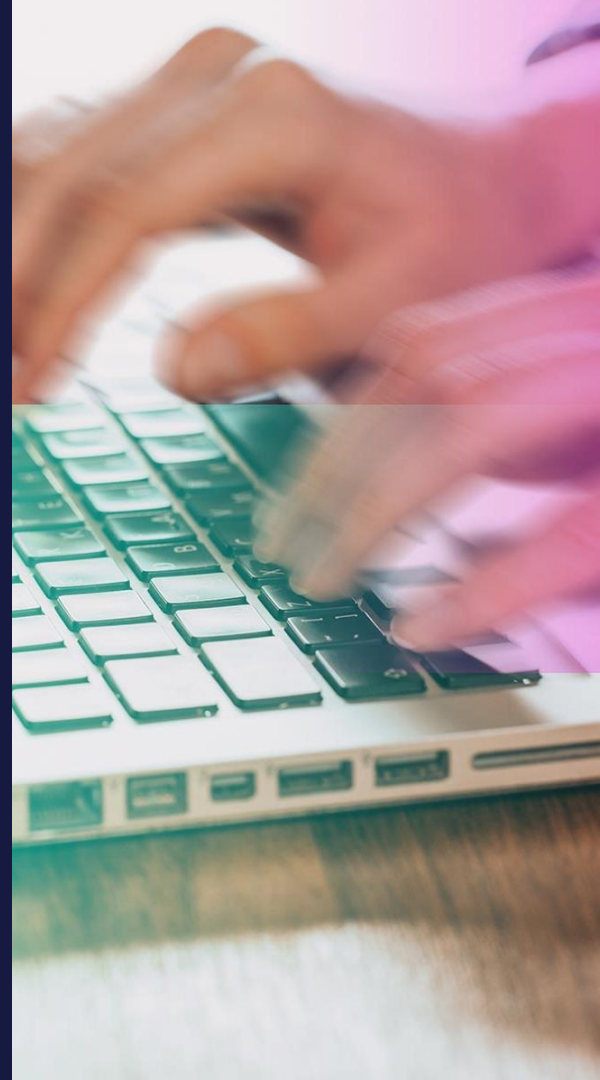
Table 5: Working from home before and after the crisis, by sector (%)

	Regular working from home		Permanent working from home	
	Before	After	Before	After
Voluntary	22%	52%	15%	26%
Private	19%	36%	10%	23%
Public	13%	33%	3%	17%
All	18%	37%	9%	22%
Business services	27%	52%	15%	31%
Financial services	19%	49%	8%	28%
Public administration	20%	48%	3%	25%
Information	35%	46%	15%	37%
Other services	18%	36%	7%	16%
Healthcare	15%	34%	8%	18%
Production	10%	26%	5%	17%
Distribution	14%	22%	9%	19%
Education	7%	17%	3%	10%

Base: n=1,046

What models are employers considering?

- Fully flexible output-based working - staff choose when and where they work
- Core hours or core days / flexi-time
- Mix between virtual and face-to-face meetings
- WFH by exception
- Compulsory office or site working
- Flexible location – including overseas working



Unilever

- 150,000 staff across 190 countries
- Leena Lair – lessons learned
 - Care for your people and they will make it a better business
 - Looking out for their mental wellbeing and respond to staff concerns and needs
 - Don't waste this moment of reinvention of work, workplace, workforce, where to work and how to work
- Return to office and return to travel will depend on local vaccine-efficacy rates and vaccine deployment
- Hybrid arrangement
 - Physical workspace – focus on creating more connections and collaboration
 - Digital workspace

Banks

- **Goldman Sachs:** WFH is an “aberration we’re going to correct as soon as possible”
- **Lloyds**
 - 77% of 68,000 staff said they want to WFH for three or more days a week
 - Reduce office footprint by 20%
- **HSBC**
 - Cutting office space by 40% globally
 - Moving 1,200 call centre staff to permanent home working
 - £300 a year to cover expenses (heating and electricity)
 - Zoom-free Friday afternoons
- **Barclays**
 - Jes Staley described home working as “getting old”

Four day week

- **Scotland** - SNP manifesto included proposal for Scottish government to fund companies wanting to trial it
- **Spain**
 - Currently considering three year pilot to work 32 hr week over four days. Company's costs of trialling it can be covered in part by government
 - Software Delsol – saw reduction in absenteeism, higher productivity and staff saying they were happier
- **Japan** - Microsoft claims 40% productivity increase for its 2,300 employees given an extra day off each week
- **UK**
 - The four Day Week accreditation scheme
 - 15 organisations have “Gold” standard – permanent four day week with maximum of 32 hours and no loss of pay
 - Engineering consultancy, cosmetics business, design agencies, housing association

Putting a new model in place. Some practical and legal issues

Simon Bellm

Employees who are reluctant to return to workplace

- Health related reluctance
 - s44 & s100 Employment Rights Act. The right not to suffer a detriment, or be dismissed where employees raise health and safety concerns
 - Is there a serious and imminent danger
 - General health and safety related responsibilities – risk assessments / Covid Guidance
 - Vulnerable employees
 - Disabled employees
- Other reasons
 - Childcare – discrimination issues
 - Cost / inconvenience of going back to work

Employees who are reluctant to return to workplace

- Flexible working request to work from home
 - Process to be followed when dealing with requests
 - Permissible reasons for rejecting request
 - Risk of discrimination claim if a protected characteristic is involved
- Possible changes



Employees who are reluctant to work from home

- Can employer require the employee to work from home
- What does the contract of employment say?
- Can employee's agreement be secured
 - Job security/threat of redundancy
 - Covering the cost of home working
 - Sharing the financial benefits
- Imposing the decision on employee
 - Dismissal and re-engagement and associated unfair dismissal risks
 - Constructive dismissal claims

Health and safety issues – working from home

- Health & Safety at Work Act – basic duty to take reasonable care of H & S of workers
- Applies equally to home workers
- Specific requirements of Display Screen Equipment Regulations
- Primary focus on workstation risk assessment
- Ask and assist employees to undertake workstation risk assessment
- Equipment/set up/lighting/noise/temperature
- Reasonable adjustments for disabled employees
- Lone working

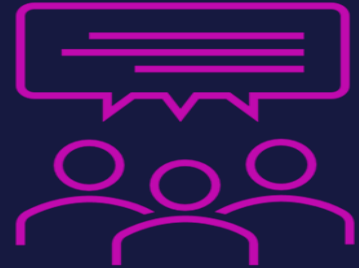
Stress/mental health

- Deloitte analysis in 2020
 - Poor mental health has risen 16% since 2016
 - Cost to UK employers is £45 billion each year
 - On average, for every £1 spent on mental health support, employers get £5 back on their investment – reduced presenteeism, absenteeism and staff turnover
- Estimated 75% of people with diagnosable mental illness receive no treatment
- One in four people will suffer from mental ill health each year



How has working from home affected the wellbeing of your staff?

Poll



Helping the transition back to work

Clear planning

Risk assessments

Consultation

Communication

HR

Managers

Surveys/forums

Mental health support

Wellness action plans -
MIND

Mental Health First
Aiders

EAP

Occupational Health

Broader impacts

Greg Burgess

Culture and values

- Less face to face time makes it harder to articulate and embed culture and company's identity
- New starters' ability to understand and live culture and values critical to maintaining that culture
- Regular culture workshops
- Culture and values recognition scheme
- Is it time to refresh your culture, or reset it?
- How do you ensure staff get same cultural experience when some in the office, some at home, and some working between home and office?
- This is a new, untested period – leaders need to be open to new formulas

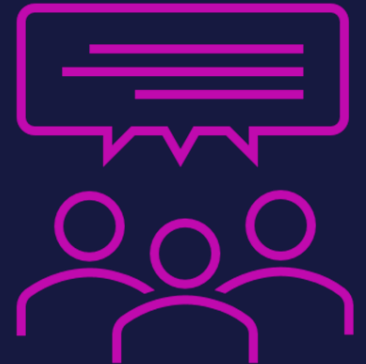
Productivity

- Whether homeworking has significant impact on productivity (in either direction) is unclear
- Employer perceptions
 - No impact – 37%
 - Decreased to small extent – 22%
 - Increased to small extent – 18%
- People-related factors have greater impact on productivity than technological factors



What impact do you think working from home has on your staff's productivity?

Poll



Performance management

- Tips for line managers
 - Reset your baseline
 - Share feedback in advance
 - Maximise use of software – track performance over time to avoid “recency effect”
 - Pay attention to eye contact and body language
 - Look at interpersonal strengths
 - Show empathy and offer support – be honest about your own struggles
 - Have their personal goals changed as a result of the past year?

Questions

Speakers



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