



## *This Week in Employment Law*

### Record Numbers of Employees Work from Home

**Over 1.5million employees in the UK currently work from home according to the Office of National Statistics (ONS), a drastic increase when compared to the figures from 10 years ago. With this in mind, we look at some key considerations when it comes to home working:**

- Employees with at least 26 weeks' service can ask to work from home under the right to request flexible working.
- Employers should handle requests in line with the Acas Code of Practice.
- Not all job roles will lend themselves to home working and employers are able to refuse requests provided the reason for refusal falls into one of the legally prescribed grounds.
- Allowing employees to work from home can help them to better balance their work and personal commitments, which could result in improved productivity and retention rates for employers.
- Employers should think carefully about how they will manage an employee who works at home and consider implementing rules around communication, monitoring working hours and performance/productivity etc.
- Other considerations include provision of IT equipment etc and ensuring the employee has the correct insurance.
- Employers should ensure that an "out of sight, out of mind" ethos is not created. Home working employees should be included in all relevant work related communication.

#### LGBT workers paid 16% less on average

A joint study by YouGov and LinkedIn has revealed the significant pay gap (16%) that exists between LGBT employees and their non-LGBT colleagues. The study of 4,000 participants showed that LGBT employees earn an average of over £6,000 less per year.

##### **Did you know?**

It is unlawful to pay someone less money than others because they are LGBT. Employers should operate a zero tolerance policy towards discrimination and harassment and ensure that it covers all elements of employment from recruitment to termination. An equal opportunities policy is an ideal vehicle for this.

#### Fixed-term employees suffer poor mental health

70% of University lecturers have admitted that being employed on a fixed-term basis has damaged their mental health, according to a study by the University and College Union. Many respondents agreed that working on insecure contracts meant they had to put long term plans on hold.

##### **Did you know?**

Fixed-term employees should not suffer any less favourable treatment compared with permanent employees, which can include access to mental health support. Given the findings above, access to an employee assistance programme (EAP) could prove beneficial for fixed-term staff.

#### Director fairly dismissed for manifesting religious belief

The Employment Appeal Tribunal (EAT) ruled that a Christian director of an NHS Trust was fairly dismissed after speaking out publicly against same-sex adoptions. The EAT found that a non-Christian comparator would have been treated the same in this situation.

##### **Did you know?**

It is important to draw a line between the holding a religious belief and the way the employee manifests it. Whilst religious beliefs are a protected characteristic, employees can be disciplined if the way these beliefs are expressed results in misconduct and brings the company into disrepute.

Employers can defend a claim of unlawful harassment by showing that they took all reasonable steps to prevent their employees from harassing others. If you would like further advice on the most appropriate methods for responding to allegations of harassment within your organisation, you can contact our 24 Hour Advisory Service.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.