

Legal duty for employers to stamp out harassment?

The Equality and Human Rights Commission has urged the Government to create new requirements on employers to stamp out sexual harassment in the workplace. Its “Turning the Tables” report suggests a complete overhaul by forcing employers to be more proactive in protecting employees from harassment. The report recommends:

- All employers should have an anti-sexual harassment policy and should be required to publish it;
- All employers should have to publish the steps that they are taking to implement the policy in their business;
- Employers should be liable for harassment carried out towards their employees by third parties (clients, customers, service users etc). This would mean re-instating a previous law which was removed in 2013;
- The Government create a statutory code of practice on workplace harassment and sexual harassment which employers must follow when dealing with an allegation of harassment.

The Chief Executive of the EHRC, Rebecca Hilsenrath, has said “We need urgent action to turn the tables in British workplaces, shifting from the current culture of people risking their jobs and health in order to report harassment, to placing the onus on employers to prevent and resolve it.”

Plans for parental bereavement leave published

The Government is asking the public for its views on how the parental bereavement system will work. The scheme is expected to be introduced by 2020.

Did you know? If the proposals go ahead, employees whose child dies will be entitled to take two weeks off work. Those who meet certain criteria will be paid at the same rate as maternity/paternity pay during leave and employers will be able to reclaim a “large proportion” of it from HMRC.

Did you know? The consultation exercise addresses aspects such as who exactly will qualify for taking leave e.g. legal parents (biological and adopted) and step parents, the notice to be given, evidence required from the parent, and the flexibility around how the two weeks may be taken.

Employers urged to consider the “true cost” of overtime

A recent study shows that employees do an average of 10 hours overtime per week, totalling 469 hours per year. Only 6 out of 10 of these employees will be paid for the extra hours. There is no law requiring extra payment for overtime hours but other areas of law must be complied with.

Did you know? Overtime hours must be factored in when calculating whether the national minimum wage has been paid. Unpaid overtime hours may take a worker who earns the NMW or just over, below NMW for the pay reference period.

Did you know? Unless a worker has opted out of the following maximum limit, working hours must not exceed an average of 48 per week over a reference period, usually 17 weeks.

Acas publishes new guidance on using agency workers

Acas has published new guidance for employers who use agency workers. Temporary agency workers are covered by the Agency Workers Regulations 2010 which give these workers rights to equal treatment in certain aspects of their terms and conditions.

Did you know? Agency workers must be treated the same as employees hired directly by the end user from day of assignment where collective facilities e.g. staff canteen are offered.

Did you know? Agency workers are entitled to the same basic pay and terms as direct recruits after 12 weeks. Moving agency workers round just to avoid the 12 week trigger point is unlawful and employers may be fined.

Stories of harassment, whether sexual harassment or on other grounds such as age and race, have not been far from our attention for the last few months. The Government is taking serious steps to protect workers from being harassed and the onus is certainly falling on the employer to take action. Keeping up to date with developments in this area is vital.

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