



NAVIGATOR

www.ELAS.uk.com



Festive gift buying costs UK £5bn thanks to boom in online discounts

Email discounts such as Groupon and Vouchercode are tempting office workers to do their Christmas shopping from their desks this year – at a cost to the UK of more than £5 billion, experts warn.

Figures released by the Office of National Statistics (ONS) suggest that 13 per cent of us will be doing all our Christmas shopping online this year, with many people using discount schemes such as Groupon to make sure they get the best bargains.

Peter Mooney, our head of employment law, has warned that during the last eight working weeks before Christmas, the lost time will cost UK Plc a staggering £5.2 billion.

He said: “Every year, more people are going online for Christmas

Festive gift buying costs UK £5bn thanks to boom in online discounts

presents, and even those who don't will end up spending hours window shopping on the internet.

“But while in the past few years, we've seen that most workers sensibly do this in their lunch hours or after 5pm, the explosion in deals sites such as Groupon is causing people to do their shopping at the start of the day.

“No boss wants to shoot a hole through goodwill and office morale by playing Scrooge in the office, but this time adds up and, in reality, costs money.”

To combat the problem, employers should remind staff of their responsibilities and introduce a simple internet policy outlining what is acceptable personal use during work time and what staff can expect for breaching it.



Contents

Page 2

Social Media and your business
Guy Martin Vs Caterham cars

Page 3

Employment Law
Health & Safety for Farm workers

Page 4

Health & Safety News
Health & Safety at Christmas

Page 5

Minimum Wage
Employersafe CQC Compliance

Page 6

Festive Q & A



Businesses unprepared for employees' online antics

Most bosses are powerless to deal with photos and videos posted on Facebook and Twitter following office Christmas parties.

Office parties have long since been a cause of headaches for employers due to the myriad of health and safety and management problems which can be caused by a few over-zealous staff.

Yet while these problems have soared thanks to staff capturing them on smartphones and posting them online, almost two thirds of employers have no policy in place to deal with any material posted onto the internet by staff which could tarnish their employers' reputation.

Peter Mooney, head of employment law for ELAS, said: "Part of a manager's role at any Christmas party used to be to try to keep a lid on any problem behaviour and deal with it afterwards behind closed doors.

"But now, any misconduct can be plastered all over the internet long before the manager even finds out.

"It has grown into a massive problem and we are seeing more and more enquiries from employers unsure how to handle issues where social media is a factor.

"Yet despite that, very few companies have any social media guidelines at all."

We surveyed 1,000 small and medium-sized businesses and found that almost two thirds (65 per cent) had no social media policy and had made no attempt to outline what was acceptable for employees to say and post online.

Mr Mooney added: "Employers are well within their rights to remind staff that they are ambassadors for their companies around the clock and make clear that anything which brings the business into disrepute cannot be tolerated.

"A simple social media policy, ideally written into their employment contracts, can help bosses deal swiftly with any online content which reflects badly on the business."

ELAS Sponsor takes a spin on four wheels

Motorcycling champion and ELAS rider, Guy Martin, made his racing debut on four wheels recently by taking a spin – literally - in a Caterham race day.

Guy is usually more at home at the controls of a motorbike, having scored 13 Isle of Man TT podiums and won the Ulster GP six times in his already glittering career.

But he swapped two wheels for four when ELAS suggested he took the wheel of a specially branded ELAS Caterham Superlight R300 for two races at Silverstone race track.

The day was the result of our sponsorship of both Guy and Caterham Motorsport, and Simon Lambert of Caterham Sports was impressed how he got on.

He said: "It was a brave attempt, particularly when you take into consideration that Guy did no testing on the Friday and went straight into the race.

"In the first race, Guy would over take a few cars, spin and fall back, but he showed a vast amount of promise and all Guy needed was more time with the car.



Guy Martin in action

"In the second race, Guy fell victim to someone else's mistake when they span across his path and left him nowhere to go.

"We would be more than happy to have Guy race our cars again, and look forward to another event such as this."

It remains to be seen whether we'll be able to persuade Guy to try his hand at rugby, however, after ELAS was recently announced as one of the sponsors of Salford Reds rugby league.





Strong managers, not weak laws, needed to tackle lazy workers

Watering down the law on unfair dismissal in order to stimulate growth is pointless and will achieve nothing, says ELAS's head of employment law, Peter Mooney.

A leaked report commissioned by David Cameron into the state of the UK's employment laws recommended stripping unproductive workers of their right to claim unfair dismissal in a bid to make it easier for businesses to clear out dead wood and boost economic growth.

But according to Mr Mooney, it's not weaker laws that are needed but stronger managers.

He said: "This report seemed to be based on the notion that lazy workers can idle along doing nothing without any fear of being sacked or disciplined because the law is on their side.

"Any manager worth their salt knows that that's just nonsense.

"If these people really are dragging the economy back, it's not new laws we need but new managers, people who lead by example and instil a greater sense of purpose in their workplace and who aren't afraid to tackle problem staff head on."

The report, by venture capitalist Adrian Beecroft, claimed that Britain's unfair dismissal laws are abused by some in the public sector and should be scrapped.

Chancellor George Osborne has also signalled he would tackle unfair dismissal by lengthening the period employees must work before being eligible to claim from one year to two.

Mr Mooney added: "Our employment laws might make you stop and think, but they don't stop you firing someone who can't pull their weight.

"On the contrary, it is perfectly straightforward to get rid of underperforming staff providing you know what you're doing."

For more information on unfair dismissal laws or dealing with lazy staff, call ELAS on 08450 50 40 60.



H&S expert calls for mandatory qualification for agricultural workers

Mandatory training is needed to give more legal protection to staff and employers working in the UK's agriculture industry, according to our health and safety experts.

Agriculture has one of the highest rates of fatal and major injury in the workplace, but no national scheme to ensure staff are properly trained in health and safety.

Wayne Dunning, our head of health and safety, said: "Every employer has a duty of care and must provide the relevant training or they could find themselves at the centre of a lawsuit.

But without any clear-cut official guidance on how to provide a 'duty of care' in agriculture, employers are at serious financial risk if the worst happens.

"What is needed is a period of mandatory training – which could be as little as half a day – covering topics such as working with animals, manual handling, emergency procedures, dealing with chemicals and operating farm equipment."

Under our proposals, once a worker had completed the training, they would be given a nationally

recognised proof of competence card.

Mr Dunning added: "In the event of an accident, employers need to prove that the relevant training has been given. A competence card system - which has been in use in high risk industries like construction for years - would offer a cost-effective solution."

To kick start the campaign, ELAS has devised a half day training course for businesses working in agriculture. For more information, call 08450 50 40 60.



Health & Safety Case Studies



Directors fined £57,000 over electrocution of an employee

Directors of two individual firms have been ordered to pay £57,000 in fines and costs after an employee was electrocuted when he hit an overhead power cable whilst dismantling a marquee at an event in Gloucestershire.

H.S.E. Change reporting procedures for work related incidents

Work related incidents can no longer be reported to the H.S.E. by telephone, unless they are a fatality or major injury.

These changes were effective as of September 2011 stating that only fatal and major incidents and

injuries can be reported by phone.

All other work-related incidents notifiable by RIDDOR must now be submitted via one of seven online forms available on the H.S.E. website. The new forms are quick and easy to complete. www.hse.gov.uk/forms/incident.

For major incident reporting by telephone the most important thing is that there will still be somebody at the end of the phone to assist those who are dealing with a traumatic event such as a death or major injury.

People wishing to make complaints about health and safety in the workplace can also do so via the HSE website.

Have a Health & Safety Christmas...

Christmas is a special time for celebration with fun and laughter... whether at home, leisure or work. But there are also a host of risks, whether that's from people falling over as they stretch to place a star on the tree or from fire caused by poorly prepared or sited decorations.

Those putting up Christmas trees also need to take special precautions from the outset. A burning tree can rapidly fill a room with fire and deadly gases. Selecting a tree is therefore very important. Fresh trees are less likely to burn, while trees which have been cut too long may have dried out and become a fire hazard.

Fresh trees have green needles which are hard to pull back from the branches, and a trunk which is sticky to the touch.

Once you have picked the tree, don't place it too close to a heat source as this will only dry it out and make it more flammable. Do not leave the tree up for longer than two weeks but instead, keep its stand filled with water at all times and not near electrics. The tree should be disposed of by a recycling centre once Christmas is over.

It goes without saying that electrical equipment should be switched off when not needed to reduce the risks of fire. Switch

Fatality at paper mill & breaches of pollution output

A Devon based paper manufacturer is currently under investigation after an industrial accident at their Exeter based paper mill, where an employee became trapped in a piece of their production plant machinery.

Prior to this event the company had been ordered to pay half a million pounds in costs for being in breach of excessive levels of pollution into a local river.



any festive lights and electrical decorations off at least 15 minutes before leaving the workplace.

Finally, ensure that any smoke alarms are properly sited and working properly before the festivities begin.

Follow these steps, and they should reduce the risk of fire all year round especially at home, and will certainly help allow the business to open without any issues for the New Year.





Change minimum wage to tackle youth unemployment

Chancellor George Osborne should consider introducing a new band of minimum wage to help boost youth unemployment in the face of competition from older workers, claim employment law experts.

The number of 16-24-year-olds unemployed hit 1million last month, with more than twice as many young people now without jobs than the rest of the wider population.

And employment law experts believe that George Osborne urgently needs to take drastic action to give younger workers an advantage in the jobs market.

Peter Mooney, of business support company ELAS, said: "Since the Government scrapped the default retirement age, more and more workers are remaining in work beyond the age of 65.

"Until recently, they would have been retiring and freeing up jobs for younger people, while many businesses, particularly those with customer-facing roles, would rather employ more mature workers rather than take on and train young people.

"Current minimum wage regulations mean those under 21 do receive less than older workers, but between the ages of

21 and 24, there's no incentive for businesses to hire young people – and there should be."

As the law stands, anybody aged over 21 is entitled to be paid a minimum of £6.08 an hour. This drops to £4.98 for those aged between 18 and 20, and £3.68 for those aged 16-17. Apprentices under the age of 19, or aged 19 and in the first year of an apprenticeship, are entitled to £2.60 an hour.

Mr Mooney argues that a new, temporary band of minimum wage for those aged 21 to 24, set somewhere between £4.98 and £6.08, would encourage businesses to consider hiring those currently facing the greatest difficulty finding work.



Software guides practice managers through CQC 'nightmare'

Our intelligent business software, Employersafe, can now help GP practices register with the Care Quality Commission (CQC).

Like thousands of other small businesses, GP practices across England already use Employersafe to help ensure they work within the law on issues such as employment law and health and safety.

Now the software has been updated specifically to help practices follow the various processes needed to register with the CQC in time for the Government's April 2012 deadline.

Our marketing manager, Annabel Dawkins, said: "Navigating through the web of red tape in the UK can be a nightmare, which is why we

developed Employersafe in the first place.

"When we saw how difficult it was navigating through the scores of outcomes and sub-outcomes to register with the CQC, we immediately saw that Employersafe could help."

Employersafe CQC Compliance has been designed specifically with GP practices in mind and guides them, in a clear step-by-step way, through preparing all the policies and procedures needed as part of the registration process.

Employersafe's on-screen traffic lights shows when managers are up to date while the package also includes a library of template

documents to be tailored and used accordingly.

"This is not registration in a box but Employersafe will guide practice managers through registration in a clear, simple and structured way – then ensure that they are always up to date in future," added Miss Dawkins.

"If managers are still not clear on what is needed, our team are always on hand to help with specific issues."

For more information about Employersafe CQC Compliance, call ELAS on 08450 50 40 60.



Festive Q & A



Q. A young man who works for me is frequently pestering one of my female office staff. I'm worried this will come to a head at our Christmas party. What should I do?

Your male employee is in breach of the Sex Discrimination Act 1975 and he is in fact committing an offence of gross misconduct in behaving in this manner.

If the female employee has already complained to you, then you must not wait until the Christmas party before acting! You have a duty to investigate her complaint and suspend the male employee pending a disciplinary hearing.

You must then write to the male employee, inviting him to a disciplinary hearing and explaining exactly what it is you're going to talk to him about. At the hearing, he is entitled to have a witness with him who can be a trade union representative or work colleague.

You must then put forward your concerns to him, give him the opportunity to respond, and in the event you are not satisfied with his response, then you may dismiss him on the grounds of gross misconduct.

He is not entitled to notice pay, but is entitled to any accrued holiday pay. He must be given the right of appeal.

Throughout this process, you must inform the female employee of your actions to ensure you avoid a potential sex discrimination/sexual harassment claim being lodged.

Q. For the past two winters, I've had staff in my office complaining it is too cold to work, but I'm wary about bringing in heaters. What should I do?

First of all, any workplace needs to be at least 16C, and the guidance is that the temperature should be up to this level within the first working hour of the day.

But while this is comfortably below the temperature of most offices, and so you should be safe from prosecution, that does not mean your staff will feel comfortable at this temperature.

Many offices choose to use portable heaters, especially in reception areas or near front doors where it is likely to be especially cold. As with any heating equipment, however, you must be careful that keeping your staff comfortable doesn't lead you to neglect your duties regarding fire safety.

Each workplace needs its own specific fire risk assessment, and this may need revising if you introduce a portable heater for part of the year.

Any heat source should be kept away from curtains and furniture, which could become too hot and ignite, and extra special care must be taken to ensure they are unplugged and allowed to cool down at least 15 minutes before you leave the premises.

