



WORKMATTERS
The natural choice for human resources

NEWSMATTERS

July 2022



WELCOME TO OUR NEWSLETTER FOR JULY 2022

Our newsletter is issued to you quarterly to ensure that you can be kept up to date with employment issues. We will offer helpful hints on how to handle situations within the workplace, but never be afraid to give us a call for both guidance and support. All newsletters are on our website ensuring easy access to current information just click on the newsletter you wish to view.

This Quarter the focus is on the changes in law which may affect your business.

- Four Day Working Week
- Addressing Sickness and Absence
- Verify Right to Work (UK) & Ukrainian Work Visas

Our October newsletter will bring you more news and tips in these difficult times.

We think you'll find the articles very interesting. Please call us on **01442 870742** to discuss any of these articles and see how we can help you and your business more effectively in the field of Human Resources. Alternatively have a look at our website www.workmattershr.co.uk and email us from there or on info@workmattershr.co.uk

As part of the GDPR we are mindful of the fact that you can choose to receive our e-newsletter. If you are happy to continuing to do so no further action is required or if you no longer wish to receive our e-newsletter please reply to this email with 'unsubscribe' in the title and we will remove you from our list or go to our website.

IN THIS ISSUE

The Trial of the Four Day Working Week

page 2

Addressing Sickness and Absence

page 3

Could a Reform of Sick Pay help boost the UK economy?

page 3

Adjusting Triggers for Absence Management

page 4

Verify Right to Work (UK) & Ukrainian Work Visas

page 5-7





THE TRIAL OF THE FOUR DAY WORKING WEEK

Monday 6th June saw thousands of UK employees start to work a four-day week as part of one of the worlds biggest experiments in reducing working hours.

During the trial workers from more than 70 businesses will reduce their hours down to 80 per cent without receiving a cut in pay.

The pandemic has changed the way a lot of us work. Before March 2020, most companies required their employees to go into the office five days a week. Now, five days in the office seems like an unthinkable distant memory as we flex between the office and our own homes.

In fact, many workers have embraced this new way of working post-pandemic and are now only considering opportunities that give them a better work-life balance. There is certainly a shift in the relationship many of us have with work, and these behaviours have the potential to unravel the traditional patterns we've been used to.

At a time when many companies are thinking about their future working arrangements and whether or not to start asking staff to be present in the workplace more of the time, People Management (a CIPD publication) explores what exactly this study is seeking to discover, and what it could mean for employers.

What is it?

The four-day working week pilot, which started in the UK on 6 June, is a coordinated, six-month trial where employees working for participating firms receive 100 per cent of their pay for 80 per cent of the time. In exchange, staff are expecting to maintain the same level productivity on the reduced hours.

The pilot involves more than 3,300 workers at 70 UK companies from across a wide variety of sectors, from a local fish and chip shop in Wells-next-the-Sea in Norfolk, to the financial firm Charity Bank in Kent.

The UK trial runs alongside similar pilot schemes rolled out across Ireland, the US, Canada, Australia, and New Zealand, and is being coordinated by a coalition of organisations including 4 Day Week Global, UK think tank Autonomy, the 4 Day Week UK Campaign and researchers at Cambridge University, Boston College, and Oxford University.

It's a very progressive concept but will only work if we all commit to changing towards this working pattern. Without everyone working in this way, it would be difficult for businesses that rely on client relationships because of the expectation to be there whenever they need us.

Of course, until there is a UK-wide change, there are ways and means to make businesses more flexible.

We've seen many businesses introduce core hours to allow people to flex their start and end times to work flexibly around family and other commitments.

But being flexible isn't just a 'nice to have': it's an expectation from employees. In a recent [study by Kellogg and Indeed](#), 93 per cent of people say they would like to work for an employer that supports and encourages a greater work-life balance. So even if a four-day week remains a far-off, utopian idea, businesses functioning in a five-day week world must be introducing robust policies to accommodate flexibility and help employees navigate the pressures of work and family life. Without them, we risk losing talent who will set off for greener, more flexible pastures.

What are researchers hoping to discover?

As part of the pilot, researchers will work with each participating organisation to assess the impact on productivity in the business, the wellbeing of its workers, the impact on the environment, along with gender equality.

The researchers are also putting an emphasis on how employees respond to having an extra day off in terms of their levels of job and life satisfaction, levels of stress and burnout, sleep, health, energy consumption and how they travel, among other things.

ADDRESSING SICKNESS AND ABSENCE

Experts warn that poor absence management can end up ‘piling the pressure’ on remaining staff.

Sickness absence rates have climbed to their highest levels in more than a decade, data has shown.

A poll of employers, conducted by XpertHR, found the sickness absence rate reached 3.1 per cent in 2021, the highest rate since 2009.

This translated to an average of 7.3 sick days a year per employee, which XpertHR estimated cost employers on average £781 for each member of staff.

The increase was likely due to the lifting of coronavirus restrictions. During the pandemic, sickness absences dropped to 2.2 per cent, likely because the prevalence of home working and shielding mitigated the spread of sickness.

This could also be seen in the differences in absences by sector. Sectors where remote working is more viable, including finance and information and communication, had a lower rate of 3 per cent, whereas frontline sectors including retail had a higher rate of 4.4 per cent.

High absence rates could have an impact on both the functioning of a business and the wellbeing of other staff. High absence rates... can leave companies under-staffed, often piling on the pressure on those employees who are present which in and of itself is very unhealthy and unsustainable.

The research, which polled 149 businesses, also found four in 10 (43 per cent) of employers felt their sickness absence rate was too high.



However, 63 per cent said they felt unable to gather the HR data needed to effectively manage sickness absences.

Figures published in May by the Office for National Statistics showed the sickness absence rate in 2021 was 2.2 per cent, up from 1.8 per cent the previous year and highest rate seen since 2010, nearly a quarter of which were related to Covid.

COULD A REFORM OF SICK PAY HELP BOOST THE UK ECONOMY?

Increasing SSP payments and focusing on preventative measures could reduce the number of workdays lost to ill-health. The UK economy could benefit from a £3.9bn boost by increasing Statutory Sick Pay (SSP) payments, a paper has said.

By moving from a system focused on payments to one designed to deliver proactive and effective employee support, businesses could reduce the overall number of sick days taken.

Early intervention services, such as vocational rehabilitation, could reduce sickness absence by 17 per cent, it said, but even a 10 per cent increase in the speed of returning to work could see businesses collectively save £300m, with the taxpayer also saving £100m through smaller benefits payments.

There are growing comparisons with myalgic encephalomyelitis (ME). Employers are used to dealing with long-term absences, but find it much more difficult to deal with individuals who can be fit for work one day and debilitated the next.

By raising the amount businesses needed to pay out through SSP it would better incentivise firms to prioritise preventative wellbeing measures.

While SSP is currently £99.35 per week – around 28 per cent of the average earnings of someone eligible for the benefit – the report suggests increasing this to 63 per cent of average earnings.

The proposal also called for eligibility to be widened, noting that currently 70 per cent of women do not qualify at all for SSP, and for businesses to be provided with targeted guidance and support on how to create better sickness management policies.

The report also suggested that by investing £500m into helping smaller businesses pay for SSP and improve their mental and physical health support for staff, the Treasury would still see a reduction in its overall costs when balanced against the outlay of the current system.

Angela Matthews, head of policy and research at Business Disability Forum, said SSP was “one of the main urgent issues causing widening workplace health inequalities and has had far too little political attention to date”.

“We cannot level up the country, address increasing intersectional health inequalities, or harness the government’s commitment to increase flexible work options unless we urgently remodel the SSP system,” she said.

The report estimated the current SSP system costs the Treasury £850m annually in lost taxation and increased benefit spending, and said ill-health that prevented employees from working cost the economy £130bn a year before the pandemic.

Nearly two-thirds (62 per cent) of employers saw the SSP rate as too low and believed it should be increased. The majority (57 per cent) of SMEs surveyed, which would typically find it harder than larger employers to cover increased SSP costs, also supported the rate increase.



ADJUSTING TRIGGERS FOR ABSENCE MANAGEMENT

Employers often find absence a tricky thing to manage. There is a need to balance compassion for the individual, the realities of life (we all get ill or injured at some point) and the sound running of the business. With scenes of chaos at airports and stories of flights cancelled at the last minute, Covid once again is to blame for disrupting our lives. In this case, it is due to high absence levels as a result of employees forced to isolate due to the risk of spreading a highly contagious virus that has affected so many people. So what should employers do about absences, especially where the employee must stay off but feels fine?

The importance of a procedure

A robust absence management procedure is essential. It can help employers gain an overview of absence levels, manage excessive absences and put in place reasonable adjustments for disabled employees.

Setting Expectations

Key to managing absence is setting out expectations. Reasonable expectations of average absence levels are good to set out and act as triggers for action should absence levels exceed them. What is reasonable, of course, will depend on the organisation, the nature of the work and the individual employee. However, setting general standards (that are adjusted on an individual basis) is still a valuable exercise.

Adjusting expectations

Some employees may have high absence levels due to a condition that affects their ability to perform day-to-day tasks on a long-term basis and, as such, constitute a disability under the Equality Act 2010. Where this is the case, employers must act carefully so as not to treat these employees less favourably than their colleagues. Where there is a disability, the Equality Act 2010 requires employers to make reasonable adjustments to accommodate the disability to enable the employee to perform their duties. These reasonable adjustments also apply to absence triggers, and depending on the nature and severity of the disability, these may need to be either adjusted for the individual circumstances or removed all together if they are impossible for the employee to meet.

Removing absences entirely from consideration

Some employees may have high absence levels due to a condition that affects their ability to perform day-to-day tasks on a long-term basis and, as such, constitute a disability under the Equality Act 2010. Where this is the case, employers must act carefully so as not to treat these employees less favourably than their colleagues. Where there is a disability, the Equality Act 2010 requires employers to make reasonable adjustments to accommodate the disability to enable the employee to perform their duties. These reasonable adjustments also apply to absence triggers, and depending on the nature and severity of the disability, these may need to be either adjusted for the individual circumstances or removed all together if they are impossible for the employee to meet.

VERIFY RIGHT TO WORK (UK) & UKRAINIAN WORK VISAS

All UK employers are legally required to check and record the immigration status of every prospective employee/employee, in order to verify their right to work in the UK. The type of right to work checks required will depend on factors such as the individual's nationality and residence status.

Employers can be prosecuted for employing an illegal worker where they have reasonable cause to believe that the worker does not have permission to work in the UK.

The new Guidance Notes – Right to Work in the UK Checks can assist employers in complying with their obligation to check and record employees' immigration and working status.

The updated Employing Staff from Abroad Policy outlines an employer's approach to employing foreign workers, taking account of equal opportunity considerations and the requirement to recruit staff who are legally entitled to work in the UK.

Right to Work in the UK Checks can assist employers in complying with their obligation to check and record employees' immigration and working status.

All UK employers are legally required to check and record the immigration status of every prospective employee/employee, in order to verify their right to work in the UK. The type of right to work checks required will depend on factors such as the individual's nationality and residence status.

The Home Office's Right to Work checklist gives details of which Right to Work documents must be provided by individuals to employers, and how employers should carry out document checks in order to meet the required standards for compliance. For further details, see: <https://www.gov.uk/check-job-applicant-right-to-work>

All UK employers are legally required to check and record the immigration status of every prospective employee/employee in order to verify their right to work in the UK.



The type of right to work checks required will depend on several factors, such as the individual's nationality and residence status:

- **UK citizens** Employers can check if an individual is a UK resident by asking to see their British passport, or to provide a UK birth or adoption certificate, plus an official government letter or document showing both their name and National Insurance number. This check only has to be done at the start of employment.
- **EEA and Swiss nationals** will have to provide evidence of settled or pre-settled status under the EU settlement scheme. N.B. Irish citizens do not require permission to enter, remain or work in the UK.
- **Non-EEA nationals**, or those without settled or pre-settled status under the EU Settlement Scheme, will usually demonstrate right to work by means of a work visa.

The Home Office's Right to Work checklist gives details of which Right to Work documents must be provided by individuals to employers, and how employers should carry out document checks in order to meet the required standards for compliance.

For further details, see:

<https://www.gov.uk/check-job-applicant-right-to-work>

Every individual must provide evidence of their right to work in the form of valid, acceptable documentation. Checks must be carried out on all employees, including British nationals, EU citizens and non-EEA nationals, before they start work.

COMPLYING WITH RIGHT TO WORK CHECKS

Employers must have in place appropriate systems to check and record employees' immigration and working status in line with the Home Office Right to Work checklist. In this connection, employers should:

1. Conduct online document checks

The easiest and quickest way to check an individual's immigration status and right to work status is using the Home Office's 'Right to Work Checking Service'. This check cannot be used for UK citizens.

The online service is only available where the individual:

- Has a valid biometric residence permit or card;
- Has pre-settled or settled status under the EU Settlement Scheme;
- Has lawful status issued under the points-based immigration system;
- Has a British National Overseas (BNO) visa; or
- Has a Frontier Worker permit.

The online service allows an individual to provide their employer with a share code which is then used to view their right to work in the UK. The online service operates on the basis of the worker first accessing their own Home Office right to work record. The worker can then share this information with their employer, using a code generated to give permission to view their status.

Verify Right to Work (UK) & Ukrainian Work Visas continued...

There are three basic steps to carrying out an online check of someone's immigration status:

- view the applicant's right to work details by inputting the share code, along with their date of birth;
- check that the online photograph matches the applicant; and
- retain a clear copy of the response provided by the online service, storing that response securely by way of electronic or hard copy for the duration of the individual's employment and for at least two years afterwards.

2. Conduct manual check of right to work documents

An individual does not have to agree to provide the employer with a share code to check their immigration status using the online checking service. In these circumstances, or where their immigration status is otherwise unavailable to view online, the employer can conduct a manual check of their right to work documents, such as their passport or biometric residence permit.

The steps to undertake a manual check of right to work documents are as follows:

a. Obtain acceptable Right to Work documents

Employers can only accept documents from the Home Office's List A, List B Group 1 or List B Group 2.

The Home Office has three different categories of 'acceptable' documents that deal with different types of permission and working status:

List A

After the initial pre-employment check, employers will not be required to carry out any further right to work checks.

List B Group 1

Employers have a time-limited statutory excuse, which ends when the individual's permission to remain in the UK expires. Employers should carry out a follow-up check when the document evidencing their permission to work expires.

List B Group 2

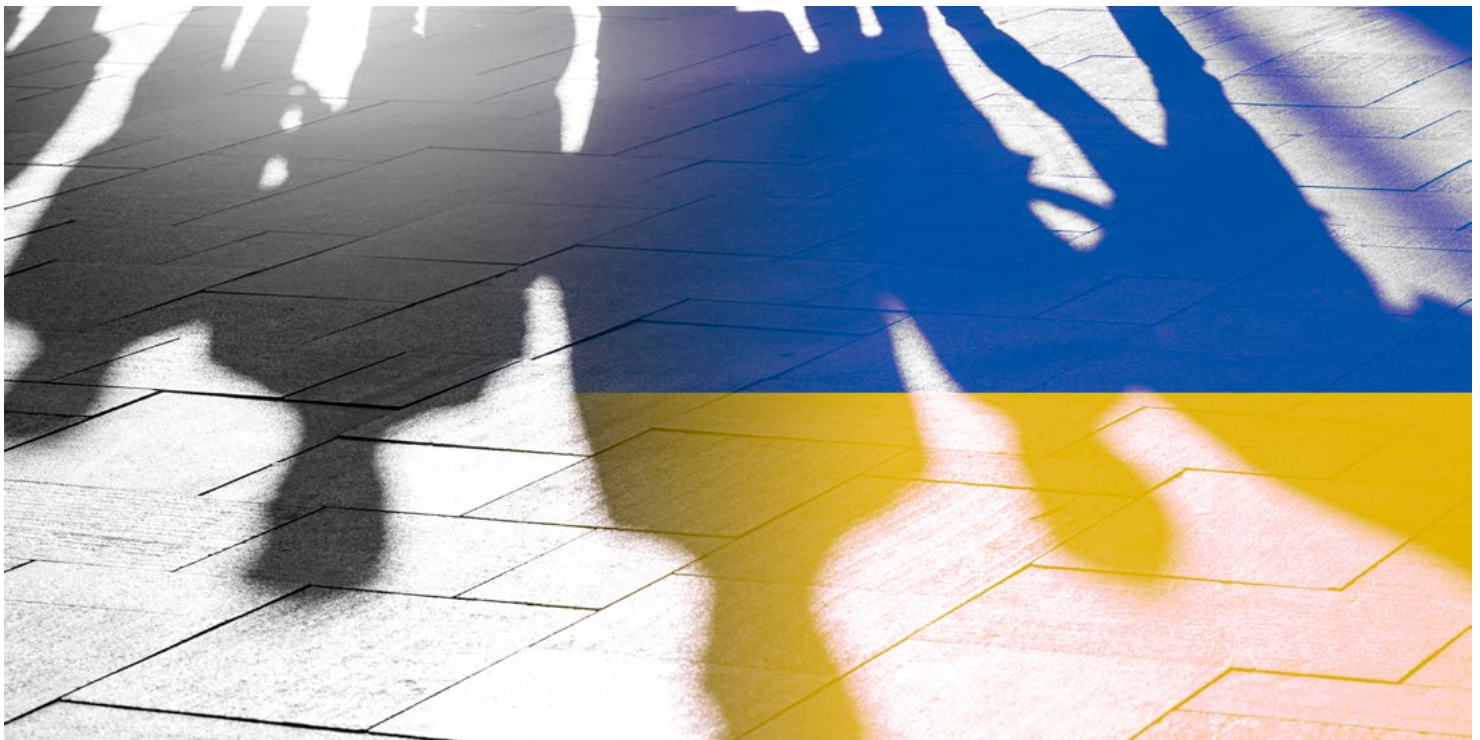
Employers have a time-limited statutory excuse that expires six months from the date specified in the Positive Verification Notice. Employers should carry out follow up checks before this notice expires.

b. Check the validity of the Right to Work documents

Employers must check that the documents are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work that is being offered.

Employers must check:

- Dates of birth are consistent across documents;
- Photographs are consistent with the individual's appearance;
- Expiry dates for permission to be in the UK have not passed (if applicable);
- The prospective employee is allowed to do the type of work on offer;
- The documents are genuine; and
- The reasons for any difference in names across documents e.g. marriage or divorce.



Verify Right to Work (UK) & Ukrainian Work Visas continued...

c. Copy the documents provided

Employers have to make a formal record of the documents they have checked.

Each document has to be copied at the time the check is made. The copy must be clear, and in a format which cannot be altered or edited at a later date.

Employers must also record the date the check was made.

Document copies have to be retained securely, either electronically or in hard copy:

- **Passports.**
Any page with the document expiry date, nationality, date of birth, signature, leave expiry date, biometric details and photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question; and
- **All other documents.**
The document in full and both sides of a Biometric Residence Permit.

This evidence must be retained for the duration of the individual's employment and for a further two years after they stop working for your organisation. Loss of Right to Work If, during a repeat right to work check, the employer becomes aware that an employee no longer has the right to work, or that they are in breach or excess of their permission by being employed in the role (e.g. in respect of number of working hours) and the employer continues to employ that person, they will become liable for a civil penalty and the criminal offence of knowingly employing an illegal worker.

Information guide to Ukrainian work visas and right to work in the UK

The humanitarian crisis in Ukraine has led to a large number of Ukrainian nationals looking to flee the war zone and come to the UK temporarily in order to live and work. Information is available on the two different visa schemes that have been introduced to support Ukrainian nationals, and their family members, to come to the UK. **The Family Scheme** is based on the individual's ability to establish family ties in the UK and the **Ukraine Sponsorship Scheme (Homes for Ukraine Scheme)** is based on an individual finding a UK-based sponsor who is prepared to provide suitable accommodation, rent-free, for at least six months.

Two different visa schemes have been introduced to support Ukrainian nationals, and their family members, to come to the UK. The Family Scheme is based on the individual's ability to establish family ties in the UK and the Ukraine Sponsorship Scheme (Homes for Ukraine Scheme) is based on an individual finding a UK-based sponsor who is prepared to provide suitable accommodation, rent-free, for at least six months.

Under both schemes, visa holders are able to work, rent a home and access public services, such as medical treatment and education. Full details of the schemes, along with details of how to carry out right to work checks, can be found here: <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide/ukrainian-nationals-and-right-to-work-checks-accessible-version>. Under both schemes above, successful applicants will be granted a visa for up to three years, under the terms of which they can live and take up employment in the UK. There are no specific requirements in respect of the kind of work Ukrainians eligible under the schemes can take up once they are granted a visa.

They can work for any employer, in any role, at any skill level, provided the role satisfies all employment regulations, such as minimum wage and working time requirements. Ukrainians who are not eligible under one of the available schemes and relying solely on a job offer to come to the UK will need to apply for a visa under the usual immigration routes and satisfy the requirements of that route (i.e. for the skilled route: a job offer from a registered sponsor, an eligible job, meeting the salary threshold for that role and language requirement). Ukrainian nationals in the UK with permission to enter as a visitor are not permitted to take up employment in the UK. Current visa concessions now allow Ukrainian nationals to switch their visitor visa to another type of visa which will allow them to work in the UK. However, these individuals must be granted permission under another route, which does allow them to work, before they can commence employment in the UK. Employers wishing to register vacancies for Ukrainians coming to the UK may do so here: <https://www.gov.uk/offer-work-ukraine>.



Thank you for taking the time to read our Newsletter which I hope you found informative An e-newsletter will be sent on a quarterly basis to help keep you up to date with current legislation changes, as well as giving you some helpful hints and tips to help your business run smoothly.

In the meantime please contact us if we can be of service to you or your company.

Have an enjoyable quarter and we look forward to issuing you with our next newsletter in the early part of July 2022.