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## November 2022 Update

Welcome to this month's update - where we discuss the latest legislation and guidance.

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In this month's edition, we report on:

- Invest in your people
  - Dealing with long-term sickness
  - Handling discrimination based grievances
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### Invest in your people

We're on the cusp of a recession. There are 1 million more jobs than people. Employees have higher standards and expectations of their employers than ever before, and quiet quitting is on the increase.

With employees seemingly holding all the cards, what can you do as an employer to increase employee retention rates and hold onto your top talent?

On average the cost of turnover per employee earning £25,000 or more is £30,000 plus. More than 100% of the average yearly salary.

The key is of course investing in your staff such as skills training, access to learning, personal/professional development and career enhancement opportunities.

But equally as important is offering the right rewards and incentives to help their health, care and wellbeing.

Getting it right can be tricky, but this is where data can help. Surveying staff regularly and asking the right questions and then using their answers to improve systems and processes, including recruitment, is a good starting point.

Finding out how employees are motivated, learning more about their attitudes, behaviours, strengths and areas for development is key.

For example, watching how people collaborate, communicate and discovering more about the mechanics of working relationships will be beneficial when it comes to the formation and operation of teams.

So how can you gather some of this invaluable information? Psychometric testing or personality testing come into their own here. There are plenty of options available here, Myers Briggs, DISC etc.

The important thing is that they will enable you to have a better comprehension of your employees' traits and how they work, think and act, both as individuals and as part of a team.

By understanding an individual's communication and decision-making style and what motivates and inspires them, you'll be able to develop effective relationships, initiate successful communications, increase morale and build great teams.

Having access to this type of information, will help you to make employees feel more motivated, engaged and supported.

It will also enable you to see where they fit within your organisation and highlight any areas for development, which can be fulfilled through either coaching or training.

**Employers:** your people are your most important asset – work hard to hold on to them.

**Contact us:** we can assist with interviews, onboarding and induction.

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## Dealing with long-term sickness

The issue of long-term sickness has never been more topical, with it seems more than one million people in the UK having long Covid at least one year after they were first infected.

Employers have to consider in such situations whether an employee could be disabled and whether reasonable adjustments could facilitate a return to work.

If the only tenable option remaining is dismissal, care must be taken to avoid claims for unfair dismissal and disability discrimination.

The necessary steps in the process to a fair 'capability' dismissal will be two or three formal meetings to discuss:

- the current medical position with medical evidence;
- whether the employee is unlikely to return to his/her current role in the foreseeable future;
- whether alternative roles are available.

Throughout the process you need to consider and discuss alternatives to dismissal, as well as look at the availability of permanent health insurance cover and early ill health retirement.

How long an employer will be expected to keep the employee's job open is a difficult question and is fact dependent.

Factors that affect this are things like the availability of temporary cover, the associated costs, the size of the employer's business and whether the employee has exhausted their sick pay.

**Employers:** take it one step at a time when dealing with long-term illness issues

**Contact us:** we can guide you through the process

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## Handling discrimination-based grievances

Grievances relating to discrimination should, like all grievances, be dealt with in accordance with your company's grievance procedure and the Acas Code of Practice

But are there other considerations when the grievance involves discrimination?

Being clear whether it is a grievance is key, be it by letter, email, verbal or form part of their resignation. If you suspect a grievance is being raised, double check this with the employee and, where required, commence the grievance process.

Although the Acas code only applies to people still employed by your company, it is also advisable to have a process if grievances relate to former employees.

### **How can I prevent grievances?**

Have good up to date employment contracts, equal opportunities and anti-bullying policies as well as training staff on policies during induction and refresher training is important.

Although many grievances can be resolved at an early stage informally, in discrimination or harassment cases, often the only way is to start the formal grievance process.

During some discrimination-based grievance processes, you may consider temporarily moving the employee raising the grievance or the person complained about to a different location or similar role. Consultation with the employee before acting in this respect is key

The risk of failing to deal with such complaints properly could result in claims for discrimination, victimisation and/or constructive unfair dismissal.

**Employers:** be careful when drafting references in these circumstances

**Contact us:** we have produced an essential audio guide for your managers on drafting references (multiple use as manager training): only £175 for the audio, slides and template reference.

**For more information or assistance Email:** [enquiries@employmentlawsupport.co.uk](mailto:enquiries@employmentlawsupport.co.uk)

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