Part XII

Employment and HRM services

This handbook emphasizes the importance of strategic considerations in formulating HR policies and planning HR programmes to achieve defined objectives. The fact remains, however, that much of human resource management is about managing the employment relationship, service delivery and dealing with the problems that will always arise when people work together, as considered in Chapter 57.

This also includes the various employment policies and procedures and approaches needed to ensure that both employees and the organization feel that their needs are being satisfied, as discussed in Chapter 58.

Organizations also need to maintain a comprehensive HR information system, not only to maintain employee records but also, and importantly, to build a computerized database which will assist in strategic decision taking. This is covered in Chapter 59.

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Employment practices

Employment practices should be concerned with fundamental aspects of the employment relationship as expressed in the organization's HR policies (see Chapter 10) and procedures. They should take account of the requirements of relevant UK and European legislation and case law, which it is beyond the scope of the handbook to cover in detail. Recent Acts and Regulations which are important include those concerning the minimum wage, working time and part-time workers. The last of these is especially significant because it requires that part-time workers should be entitled to the same terms and conditions as full-time workers, including pro rata pay.

Note should also be taken of the UK Human Rights Act (1998) which gave further effect to rights and freedoms guaranteed under the European Convention on Human Rights. However, the rights are essentially civil and political rather than economic or social rights, and they only apply to a narrow range of employment. Moreover, they are not directly enforceable against an employer unless it is an 'obvious' public authority. It has, however, been held by the European Court of Human Rights that statutory rights should not be unlawfully dismissed or discriminated against as they can be regarded as 'civil rights'. Provisions inserted into the Employment Rights Act must be interpreted by employment tribunals in a way that is compatible with the European Convention right to freedom of expression. This could apply to whistle-blowing.

Employment practices need to be established in the following areas as described in this chapter:

- terms and conditions and contracts of employment;
- mobility clauses;
- transfer practices (including transfer between undertakings);
- promotion practices;
- flexible working;
- attendance management;
- equal opportunity and ethnic monitoring;
- managing diversity;
- data protection;
- sexual harassment;
- smoking;
- bullying;
- substance abuse at work;
- AIDS;
- use of e-mails;
- work-life balance.

Administrative procedures for dealing with the legal requirements for maternity leave and pay and sick pay will also have to be developed.

TERMS AND CONDITIONS AND CONTRACTS OF EMPLOYMENT

Terms and conditions of employment which apply generally or to groups of employees need to be defined in the areas included in the contract of employment as described below.

Individual contracts of employment must satisfy the provisions of contracts of employment legislation. They include a statement of the capacity in which the person is employed and the name or job title of the individual to whom he or she is responsible. They also include details of pay, allowances, hours, holidays, leave and pension arrangements and refer to relevant company policies, procedures and rules. Increasing use is being made of fixed-term contracts.

The basic information that should be included in a written contract of employment varies according to the level of job, but the following check list sets out the typical headings:

- job title;
- duties, preferably including a flexibility clause such as: 'The employee will perform such duties and will be responsible to such person, as the company may from time to time require', and, in certain cases: 'The employee will work at different locations as required by the company.'
- the date when continuous employment starts and basis for calculating service;
- the rate of pay, allowances, overtime and shift rates, method and timing of payment;
- hours of work including lunch break and overtime and shift arrangements;
- holiday arrangements:
  - days paid holiday per year;
  - calculation of holiday pay;
  - qualifying period;
  - accrual of holidays and holiday pay;
  - details of holiday year;
  - dates when holidays can be taken;
  - maximum holiday that can be taken at any one time;
  - carry-over of holiday entitlement;
  - public holidays.
- sickness:
  - pay for time lost;
  - duration of sickness payments;
  - deductions of National Insurance benefits;
  - termination due to continued illness;
  - notification of illness (medical certificate);
- length of notice due to and from employee;
- grievance procedure (or reference to it);
- disciplinary procedure (or reference to it);
- works rules (or reference to them);
- arrangements for terminating employment;
- arrangements for union membership (if applicable);
- special terms relating to rights to patents and designs, confidential information and restraints on trade after termination of employment;
- employer's right to vary terms of the contract subject to proper notification being given.

MOBILITY CLAUSES

Case law has established that employers can invoke mobility clauses which specify that the employee must work in any location as required by the employer as long as that discretion is exercised reasonably and not in such a way as to prevent the employee being able to carry out his or her part of the contract. A mobility clause could, however, be held to discriminate against women, who may not be in a position to move (*Meade-Hill and another vs British Council*, 1995). The acid test is whether or not the employer acts reasonably.

TRANSFER PRACTICES

Flexibility and redeployment in response to changing or seasonal demands for labour is a necessary feature of any large enterprise. The clumsy handling of transfers by management, however, can do as much long-lasting harm to the climate of employee relations as ill-considered managerial actions in any other sphere of personnel practice.

Management may be compelled to move people in the interests of production. But in making the move, managers should be aware of the fears of those affected in order that they can be alleviated as much as possible.

The basic fear will be of change itself – a fear of the unknown and of the disruption of a well-established situation: work, pay, environment, colleagues and workmates, and travelling arrangements. There will be immediate fears that the new work will make additional and unpalatable demands for extra skill or effort. There will be concern about loss of earnings because new jobs have to be tackled or because of different pay scales or bonus systems. Loss of overtime opportunities or the danger of shift or night work may also arouse concern.

Transfer policies should establish the circumstances when employees can be transferred and the arrangements for pay, resettlement and retraining. If the transfer is at the company's request and to suit the convenience of the company, it is normal to pay the employee's present rate or the rate for the new job, whichever is higher. This policy is easiest to apply in temporary transfers. It may have to be modified in the case of long-term or permanent transfers to eliminate the possibility of a multi-tiered pay structure emerging in the new location, which must cause serious dissatisfaction among those already employed there.

When transfers are made to avoid redundancy in the present location, the rate for the job in the new department should be paid. Employees affected in this way would, of course, be given the choice between being made redundant or accepting a lower-paid job.

The policies should also provide guidelines on how requests from employees for transfer should be treated. The normal approach should be to give a sympathetic hearing to such requests from long-serving employees, especially if the transfer is wanted for health or family reasons. But the transferred employees would have to accept the rate for the job in their new department.

The procedures for handling transfers may have to include joint consultation or discussions with workers' representatives on any major transfer programme. If regular transfers take place because of seasonal changes, it is best to establish a standard procedure for making transfers which would be managed by department supervisors, but they should be made aware of company policies and procedures and the need to treat the human problems involved with care and consideration.

The Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE) provided that, following a business transfer arising from a merger or acquisition, all employees working in the business to be transferred automatically transfer into the employment of the merged business or the business making the acquisition. Following the transfer, they retain their existing terms and conditions of employment except for pensions. Employers have to give information about the business transfer to a recognized trade union.

PROMOTION PRACTICES

The aims of the promotion procedures of a company should be, first, to enable management to obtain the best talent available within the company to fill more senior posts and, second, to provide employees with the opportunity to advance their careers within the company, in accordance with the opportunities available (taking into account equal opportunity policies) and their own abilities.

In any organization where there are frequent promotional moves and where promotion arrangements cause problems, it is advisable to have a promotion policy and procedure which is known to both management and employees and this procedure should take full account of equal opportunity policies (it is often incorporated in equal opportunity policy statements). The basic points that should be included in such a procedure are:

- Promotion vacancies should be notified to the HR department.
- Vacancies should be advertised internally.
- Departmental managers should not be allowed to refuse promotions within a reasonable time unless the individual has been in the department for less than, say, one year, or the department has recently suffered heavy losses through promotions or transfers.

- Promotion opportunities should be open to all, irrespective of race, creed, sex or marital status.

FLEXIBLE WORKING

The range of possible working patterns as listed by IRS (2004d) is:

- *Part-time working* – an employee's contractual hours are less than the standard full-time hours, which can involve working any number of hours over any number of days.
- *Job-sharing* – the contractual hours are split between two employees, although not necessarily on a 50/50 basis.
- *Time-off-in lieu (TOIL)* – any additional hours worked can be taken as time off at a later date.
- *Flexitime* – start and finish times are flexible, provided they are outside core hours, and any excess or deficit in the time worked is carried over to the next period.
- *Homeworking or teleworking* – ranging from occasional days spent working at home or an arrangement where an employee works entirely from home.
- *Career breaks* – unpaid leave with an understanding that an employee can return to employment at the end of the agreed period.
- *Shift working* – set periods of working, often designed to provide 24-hour cover as a three-shift system or sometimes operating as a two-shift system or a 'twilight shift' which lasts from, say, 5 pm to 9 pm.
- *Shift swapping* – employees are able to exchange their allocated shifts amongst themselves on the understanding that full cover will be provided.
- *Self-rostering* – employees have responsibility for negotiating which shifts they will work but the employer determines the shift pattern.
- *Annualized hours* – where contractual hours are calculated over a 12-month period to potentially suit both an employee's needs and business demand.
- *Compressed hours* – an employee works their standard number of hours but within a shorter time scale, such as fewer days.
- *Staggered hours* – this allows for alternative start, break and finish times.
- *Additional leave entitlement* – either paid or unpaid, with the necessary adjustment of salary payments.
- *V-time working* – a reduction in hours for a set period.
- *Unique working pattern* – an individualized arrangement that can combine more than one flexible working option.

The Workshop Employee Relations Survey (2005) found that the following flexible arrangements were used:

- Reduced hours – 70 per cent.
- Change in working pattern – 45 per cent.
- Flexitime – 35 per cent.
- Job-sharing – 31 per cent.
- Homeworking – 26 per cent.
- Term-time only – 20 per cent.
- Compressed hours – 16 per cent.
- Annualized hours – 6 per cent.

As reported by IRS (2004d), the Yorkshire Building Society has a flexible working policy that makes clear the availability of flexible working to all employees. A business case has to be made for working flexibly and the criteria used to make a decision are:

- an analysis of the role's tasks, their frequency and duration;
- the workflow of the role, including an analysis of the telephone log;
- the complexity of tasks undertaken;
- the workload of the role, using work measurement data where available;
- the structure of the department and staff resourcing;
- the level of supervision needed for the role and back-up available;
- the effect on other staff of the flexible working arrangement;
- the cost impact of the new arrangement;
- other issues particular to the working of the department or branch.

ATTENDANCE MANAGEMENT

Attendance management is the process of controlling absenteeism and time-keeping.

Absenteeism

Absenteeism is a serious problem. A CIPD survey (IPD 1993a) established that the average absence rate per employee was equivalent to nine working days a year.

Causes of absence

The causes of absence have been analysed by Huczynski and Fitzpatrick (1989) under three headings: job situation factors, personal factors and attendance factors.

Job situation factors include:

- Job scope – a high degree of task repetitiveness is associated with absenteeism although job dissatisfaction itself is a contributory rather than a primary cause of absence.
- Stress – it is estimated that 40 million working days are lost each year in the UK through stress. This can be attributed to workload, poor working conditions, shift work, role ambiguity or conflict, relationships and organizational climate.
- Frequent job transfers increase absenteeism.
- Management style — the quality of management, especially immediate supervisors, affects the level of absenteeism.
- Physical working conditions.
- Work group size — the larger the organization, the higher the absence rate.

Personal factors include:

- Employee values – for some workers, doing less work for the same reward improves the deal made with the employer (the effort-reward bargain). The following positive outcomes of absence have been shown by research to be particularly important to employees: break from routine, leisure time, dealing with personal business and a break from co-workers.
- Age – younger employees are more frequently absent than older ones.
- Sex – women are more prone to sickness absence than men.
- Personality – some people are absence-prone (studies have noted that between 5 and 10 per cent of workers account for about half of the total absence, while a few are never absent at all).

Attendance factors include:

- Reward systems — as pay increases, attendance improves.
- Sick pay schemes may increase absenteeism.
- Work group norms can exert pressure for or against attendance.

Control of absenteeism

Absenteeism can be disruptive and costly. It needs to be controlled. The steps required to achieve effective absence control are:

- *commitment* on the part of management to reduce the cost of absenteeism;
- *trust* – the control of absenteeism is more likely to be achieved if employees are trusted – companies that are operating on this basis provide sickness benefit for all workers and rely upon the commitment and motivation of their employees (which they work hard at achieving) to minimize abuse, but they reserve the right to review sickness benefit if the level of sickness absence is unacceptable;
- *information* – sadly, a trusting approach will not necessarily work and hard, accurate information on absence is required – this can be provided by computerized systems;
- *a documented attendance policy* which spells out the organization's views on absenteeism and the rules for sick pay;
- *regular training for managers and team leaders* which ensures that they are aware of their responsibilities for controlling absenteeism and indicates the actions they can take;
- *getting managers to conduct return-to-work interviews* to welcome employees back and, if appropriate, enquire about the cause of absence and what can be done by the employee or the manager to reduce future occurrences;
- *communications* which inform employees why absence control is important;
- *counselling* for employees at return-to-work interviews which provides advice on any attendance problems they may have and creates trust;
- *disciplinary procedure* – this must be operated fairly and consistently.

In addition, as reported by IRS (2004d): 'It is now increasingly recognized that offering employees flexible working options can play a significant role in developing a more positive and longer-lasting solution to non-attendance.' In a survey by the Work Foundation on maximizing attendance (2003a), 36 per cent of respondents cited flexible working patterns as one of the five most effective ways of managing attendance and reducing absence.

The importance of keeping contact with employees absent through sickness has been emphasized by the Health and Safety Executive (HSE) and IRS. The HSE (2004b) guidelines to employees confirm that keeping in contact represents a key factor in helping employees return to work after a long-term absence. However, they note that contact can be a sensitive topic because some employees may feel pressed to come back to work too early. The HSE suggests that discussions with absent staff must be clearly focused on the employee's well-being and their return to work. Managers need to address issues where the employee might need help and also what the employer can do to aid their return to work. IRS (2005) reported that their survey on long-term absence had shown that 'easy and regular contact with employees on sick leave leads to a quicker return to work'. The most frequently used method of contact

is by letter (65 per cent) followed by telephone calls to the employee's house by their line manager (57 per cent) or by the HR department (55 per cent). Visits to the employee's home are used less frequently. Many organizations have policies or guidance notes that stipulate the method, timing and frequency of contacts.

EQUAL OPPORTUNITY

Equal opportunity policies were considered in Chapter 10. To get them into action the following are the key steps as set out in the Chartered Institute of Personnel and Development's 2002 code of conduct:

1. *The recruitment process*:
    – have accurate, up-to-date job descriptions which are not sex biased;
    – avoid over-inflated job criteria in person specifications;
    – check that job requirements are really necessary to the job and are not a reflection of traditional biased practices;
    – guard against sex/race stereotyping in advertisements and recruitment literature.
2. *The interview – to reduce interview bias*:
    – provide training to all who conduct selection interviews;
    – ensure that only trained interviewers conduct preliminary interviews;
    – avoid discriminatory questions, although interviews can discuss with applicants any domestic or personal circumstances which might have an adverse effect on job performance as long as this is done without making assumptions based on the sex of the applicant.
3. *Training*:
    – check that women and men have equal opportunities to participate in training and development programmes;
    – take late entrants into training schemes;
    – ensure that selection criteria for training do not discriminate against women;
    – consider using positive training provisions for women and ethnic minorities.
4. *Promotion*:
    – improve performance review procedures to minimize bias;
    – avoid perpetuating the effects of past discriminatory practices in selection for promotion;
    – do not presume that women or minorities do not want promotion.

ETHNIC MONITORING

The Commission for Racial Equality's (CRE) guide on ethnic monitoring recommends that analyses of the workforce should be conducted in sufficient detail to show whether there is an under-representation in more skilled jobs and grades, as well as whether there are general concentrations of ethnic minority employees in certain jobs, levels or departments in the organization. The Chartered Institute of Personnel and Development Equal Opportunities Code states that the most important processes to monitor are recruitment and selection since these are easily influenced by prejudice or indirect discrimination. But the proportion of ethnic minorities at different levels in the organization should also be checked regularly.

The CRE has suggested that ethnic monitoring should collect employment information under the following ethnic classifications:

- white;
- black-Caribbean;
- black-African;
- black-other;
- Indian;
- Pakistani;
- Bangladeshi;
- Chinese;
- other (those describing themselves in this category should be invited to provide further information).

The results of ethnic monitoring should be used to establish whether:

- in comparison with the workforce as a whole, or in comparison with the local labour market, ethnic minority workers are significantly under- or over-represented in any area;
- representative numbers of ethnic minorities apply for and are accepted for jobs;
- higher or lower proportions of employees from ethnic minorities leave the organization;
- there are any disparities in the proportion of members of ethnic minorities.

If necessary, positive affirmative action, as recommended by the CRE, can be taken along the following lines:

- job advertisements designed to reach members of under-represented groups;
- the use of employment agencies and careers offices in areas where these groups are concentrated;
- recruitment and training for school leavers designed to reach members of these groups;
- encouragement of employees from these groups to apply for promotion or transfer opportunities;
- training for promotion or skill training for employees of these groups who lack particular expertise but show potential.

MANAGING DIVERSITY

The CIPD (2005b) states that:

> Diversity is an inclusive term based on recognizing all kinds of difference. It is about 'valuing everyone as an individual'. It recognizes that people from different backgrounds can bring fresh ideas and perceptions… which can make the work done more efficient and products and services better… Diversity is an inclusive concept that covers all kinds of difference that go beyond the traditional understanding of what equal opportunity is about.

As described by Kandola and Fullerton (1998):

> The basic concept of managing diversity accepts that the workforce consists of a diverse population of people. The diversity consists of visible and non-visible differences which will include factors such as sex, age, background, race, disability, personality and work-style. It is founded on the premise that harnessing these differences will create a productive environment in which everybody feels valued, where their talents are being fully utilized and in which organizational goals are met.

Managing diversity is about ensuring that all people maximize their potential and their contribution to the organization. It means valuing diversity, that is, valuing the differences between people and the different qualities they bring to their jobs which can lead to the development of a more rewarding and productive environment.

Kandola and Fullerton quote the following 10 most successful initiatives adopted by organizations who are pursuing diversity policies:

1. introducing equal rights and benefits for part-time workers (compared with full-time workers);

2.   allowing flexibility in uniform/dress requirements;
3.   allowing time off for caring for dependants beyond that required by law, eg extended maternity/paternity leave;
4.   benefits provided for employees' partners are equally available to same-sex and different-sex partners;
5.   buying specialized equipment, eg braille keyboards;
6.   employing helpers/signers for those who need them;
7.   training trainers in equal opportunities;
8.   eliminating age criteria from selection decisions;
9.   providing assistance with child care;
10. allowing staff to take career breaks.

They use the acronym MOSAIC to describe the characteristics of a diversity oriented organization:

Mission and values that are strong and positive and where effective successful diversity management is a necessary long-term goal.

Objective and fair processes exist within the organization and these are audited regularly to ensure that power does not sit within informal networks, and no one group of employees dominates at any level.

Skilled workforces aware of the effects of biases and prejudices on their decision-making, and managers who manage the diversity effectively while stressing excellence in individual and team performance.

Active flexibility means that the diversity-oriented organization will display increasing flexibility, not only in its working patterns but also in its practices, policies and procedures.

Individual focus – organizations must guard against averaging out group differences or similarities by creating segregated groups.

Culture that empowers achieved through openness, engendering trust between all individuals through an absence of prejudice and discrimination.

THE DATA PROTECTION ACT

The Data Protection Act (1998) is built round the eight data protection principles included in the 1984 Data Protection Act. The most important of these is that data should be accessible to the individuals concerned, who may, where appropriate, correct or erase them. The 1998 Act covers manually maintained records (eg filing

systems) as well as records held on a computer database. It also places restrictions on the processing of sensitive data, which includes data on racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health, sex life, and the commission or alleged commission of any offence. Under the Act, employees must give explicit consent to the processing of personal data, especially sensitive data.

SEXUAL HARASSMENT

Sadly, sexual harassment has always been a feature of life at work. Perhaps it is not always quite so blatant today as it has been in the past, but it is still there, in more or less subtle forms, and it is just as unpleasant.

Persons subject to harassment can take legal action but, of course, it must be the policy of the company to make it clear that it will not be tolerated.

Problems of dealing with harassment

The first problem always met in stamping out sexual harassment is that it can be difficult to make a clear-cut case. An accusation of harassment can be hard to prove unless there are witnesses. And those who indulge in this practice usually take care to carry it out on a one-to-one basis. In this situation, it may be a case of one person's word against another's. The harasser, almost inevitably a man, resorts to two defences: one, that it did not take place ('it was all in her mind'); and two, that if anything did take place, it was provoked by the behaviour of the female. In these situations, whoever deals with the case has to exercise judgement and attempt, difficult though it may be, to remove any prejudice in favour of the word of the man, the woman, the boss or the subordinate.

The second problem is that victims of sexual harassment are often unwilling to take action and in practice seldom do so. This is because of the actual or perceived difficulty of proving their case. But they may also feel that they will not get a fair hearing and are worried about the effect making such accusations will have on how they are treated by their boss or their colleagues in future – whether or not they will have substantiated their accusation.

The third and possibly the most deep-rooted and difficult problem of all is that sexual harassment can be part of the culture of the organization – a way of life, a 'norm', practised at all levels.

Solutions

There are no easy solutions to these problems. It may be very hard to eradicate sexual harassment completely. But an effort must be made to deal with it and the following approaches should be considered:

1. Issue a clear statement by the chief executive that sexual harassment will not be tolerated. The absolute requirement to treat all people equally, irrespective of sex, role, creed, sexual orientation or disability, should be one of the fundamental values of the organization. This should be reinforced by the explicit condemnation of harassment as a direct and unacceptable contravention of that value.

2. Back up the value statement with a policy directive on sexual harassment (see Chapter 8) which spells out in more detail how the company deplores it, why it is not acceptable and what people who believe they are being subjected to harassment can do about it.

3. Reinforce the value and policy statements by behaviour at senior level which demonstrates that they are not simply words but that these exhortations have meaning.

4. Ensure that the company's policy on harassment is stated clearly in induction courses and is conveyed to everyone in the form of a strong reminder on promotion.

5. Make arrangements for employees subjected to sexual harassment to be able to seek advice, support and counselling in total confidence without any obligation to take a complaint further. A counsellor can be designated to provide advice and assistance covering such functions as:
   – offering guidance on handling sexual harassment problems;
   – assisting in resolving problems informally by seeking, with the consent of the complainant, a confidential and voluntary interview with the person complained against in order to pursue a solution without resource to the formal disciplinary or grievance procedure;
   – assisting in submitting a grievance if the employee wishes to complain formally;
   – securing an undertaking, where appropriate, by the person who is the subject of the complaint to stop the behaviour which has caused offence;
   – counselling the parties as to their future conduct where a problem has been resolved without recourse to formal procedures.

6. Create a special procedure for hearing complaints about sexual harassment – the normal grievance procedure may not be suitable because the sexual harasser

could be the employee's line manager. The procedure should provide for employees to bring their complaint to someone of their own sex, should they so choose.

7. Handle investigations of complaints with sensitivity and due respect for the rights of both the complainant and the accused. Ensure that hearings are conducted fairly, both parties being given an equal opportunity to put their case. The principles of natural justice mentioned earlier in this chapter should prevail. Care should be taken to ensure that the careers and reputations of neither party are unjustly affected.

8. Where sexual harassment has taken place, crack down on it. It should be stated in the policy that it is regarded as gross industrial misconduct and, if it is proved, makes the individual liable to instant dismissal. Less severe penalties may be reserved for minor cases but there should always be a warning that repetition will result in dismissal.

9. Ensure that everyone is aware that the organization does take action when required to punish those who indulge in sexual harassment.

10. Provide training to managers and team leaders to ensure that the policy is properly implemented and to make them aware of their direct responsibility to prevent harassment taking place and to take action if it does.

SMOKING

Smoking policies at work are designed to provide employees with a healthy and efficient workplace and to avoid conflict. A smoking policy should be developed in consultation with employees and may involve the use of an opinion survey. Most smokers agree to the right of non-smokers to work in air free from tobacco smoke. Smoking policies can involve a total ban on all smoking except, usually, in a smoking-permitted area away from the workplace. Remember that smokers do have some rights and that a ban in all areas may be oppressive. Sometimes, by agreement, there is a partial ban with separate working areas for those who wish to smoke. Kitchens and lifts are always non-smoking areas and rest rooms generally are.

It is sometimes appropriate to introduce smoking bans in stages, starting by restricting smoking in meeting rooms, corridors and canteens before extending the restriction to other communal and work areas.

SUBSTANCE ABUSE AT WORK

Substance abuse is the use of alcohol, drugs or other substances which cause difficulties at work such as absenteeism, low performance standards and interpersonal problems, for example, unpredictable reactions to criticism, paranoia, irritability, avoiding colleagues, borrowing money or physical or verbal abuse of colleagues. A policy on how to deal with incidents of substance abuse (see Chapter 8) is necessary because:

● many employers have some employees with a drink problem and possibly a drug problem;
● substance abuse may be a result of work pressures, for which employers must take some responsibility;
● employers are required to maintain a safe and healthy work environment.

BULLYING

Bullying is a form of harassment and can be very unpleasant. It is perhaps one of the most difficult aspects of employee relationship to control – it can be hard to prove that bullying has taken place and employees may be very reluctant to complain about a bullying boss, simply because he or she is a bully. But this does not mean that the organization should ignore the problem. A policy should be published which states that bullying constitutes unacceptable behaviour and indicating that those who indulge in the practice can face severe disciplinary action. It should be announced that anyone who is being bullied has the right to discuss the problem with someone in the HR department or lodge a complaint, and in such discussions employees should also have the right to be accompanied by a representative.

But as the CIPD (2005a) states: 'Tackling a difficult and complex subject like bullying at work is about much more than having a policy in the staff handbook. It is not just about an absence of negatives, but about actively defining and promoting positive working relationships.' The emphasis, according to the CIPD, must be on building a culture of respect with the following features:

● Positive behaviours that everyone can expect from one another are defined and communicated.
● Everyone is supported in accepting responsibility for his or her behaviour and actions. Bullies are not punished and isolated but helped to acknowledge the impact of their behaviours, and to change.

- Everyone accepts responsibility for finding solutions.
- Top team behaviour is regarded as vital in reinforcing positive behaviours and creating a culture that goes beyond lip-service.
- Internal buddies/listeners and trained mediators can also help to deal with bullying at an early stage before conflict becomes entrenched, relationships break down and more formal routes are taken.

AIDS

There are no logical reasons why AIDS should be treated differently from any other disease that employees may be carrying, many of which are contagious and some of which are fatal. However, AIDS is a frightening and threatening disease which has received enormous publicity, not all of which has been accurate. Because of this fact it is necessary to develop a company policy (see Chapter 8).

E-MAILS

Increasingly, companies are cracking down on staff using e-mails at work for private purposes (eg online shopping), surfing the internet, or sending pornographic e-mails through the company's intranet. Employers are concerned about the waste of time and money and the undesirability of pornographic or defamatory material being distributed round the office. They are often, therefore, introducing policies which state that the sending of offensive e-mails is prohibited and that the senders of such messages are subject to normal disciplinary procedures. They may also prohibit any browsing or downloading of material not related to the business, although this can be difficult to enforce. Some companies have always believed that reasonable use of the telephone is acceptable, and that policy may be extended to e-mails.

If it is decided that employees' e-mails should be monitored to check on excessive or unacceptable use, then this should be included in an e-mail policy as set out in Chapter 8.

The legal position needs to be considered. The Lawful Business Practice Regulations (2000) permit access to e-mails by employers as long as they have taken reasonable steps to inform the parties concerned. However, the Code of Practice issued by the Data Protection Commission suggests that employers should not check sites accessed by employees, but should clarify what can or cannot be downloaded. The Code also suggests that the term 'pornography' is not sufficiently precise, and the Commissioner does not believe that there needs to be a ban on downloading

unsuitable material even if other employees find it offensive, and that employers should simply deal with cases as they arise. Many employers may find it difficult to accept this suggestion, but 'proportionality' is required in dealing with any problems, ie there may be situations when a dismissal for 'gross misconduct' is inappropriate, and employers should be aware that downloading unsuitable material can be done innocently.

WORK-LIFE BALANCE

Work-life balance employment practices are concerned with providing scope for employees to balance what they do at work with the responsibilities and interests they have outside work and so reconcile the competing claims of work and home by meeting their own needs as well as those of their employers. The term work-life balance has largely replaced 'family friendly policy'. As Kodz *et al* (2002) explain, the principle of work-life balance is that: 'There should be a balance between an individual's work and their life outside work, and that this balance should be healthy.'

As defined by the Work Foundation (2003b), the concept of work-life balance is 'about employees achieving a satisfactory equilibrium between work and non-work activities (ie parental responsibilities and wider caring duties, as well as other activities and interests). The Work Foundation recommends that practical day-to-day business and related needs should be considered when organizations set about selecting the range of work-life options that should be made available to staff, whether on a collective basis (as for example flexitime arrangements) or on an individual level (say, allowing an individual to move to term-time working provisions). Individual requests for particular working arrangements generally need to be considered on a case-by-case basis, but it is important for a culture to exist that does not discourage employees from making such requests. In addition to fearing the reaction of line managers, the risk of career-damage is a common reason for poor take-up of work-life balance arrangements. Line management will need to be convinced that work-life balance measures are important and pay off in terms of increased engagement.

The IRS (2002) considers that, 'Flexible working is considered the most practical solution to establishing an effective work-life balance.' The term 'flexible working' covers flexitime, home working, part-time working, compressed working weeks, annualized hours, job sharing and term-time only working. It also refers to special leave schemes, which provide employees with the freedom to respond to a domestic crisis or to take a career break without jeopardizing their employment status. For example, ASDA operates a range of schemes designed to give carers and others the flexibility to maintain a healthy work-life balance. Work-life options available for

ASDA 'colleagues' include childcare leave, shift-swapping and study leave.

However, as IRS points out, there is more to work-life balance than flexible working: 'Creating an environment in which staff who opt to work flexibly and those who raise work-life issues will require a cultural shift in many organizations, backed by senior level support.'

Kodz *et al* (2002) quote figures from an IES survey that showed the following proportion of employees offering some form of flexibility:

- Part-time working – 76 per cent.
- Care leave – 55 per cent.
- Varying hours – 38 per cent.
- Compassionate leave – 38 per cent.
- Career breaks – 27 per cent.
- Workplace counselling or stress management – 26 per cent.
- Working from home – 22 per cent.
- Flexitime – 11 per cent.
- Term-time working – 6 per cent.
- Help with child care in school holidays – 6 per cent.
- Job sharing – 5 per cent.
- Reduced hours – 4 per cent.
- Crèche – 1 per cent.

The respondents to the survey indicated that the successful implementation of work-life balance practices required a change in culture and attitudes within the organization. Also, line managers have a key role.

The Work Foundation (2003b) survey of work-life balance established that the most common work-life balance measures taken by employers were the provision of part-time working (90 per cent), family/emergency leave (85 per cent) and general unpaid leave (78 per cent). Formal policies are most likely to be found in public and voluntary sector organizations (35 per cent) and least likely to be found in manufacturing (14 per cent). Management resistance is the most common difficulty met in introducing work-life balance policies.

But the work-life balance survey conducted by the DTI in 2003 found that there was a high level of support amongst employers (65 per cent). But 65 per cent also said that it was not easy. A large proportion of employers (74 per cent) believed that people who work flexibly are just as likely to be promoted as those that do not.

The DTI survey established that the benefits claimed for introducing work-life balance policies were:

- improved productivity and quality of work;
- improved commitment and morale;
- reduced staff turnover;
- reduced casual absence;
- improved utilization of new recruits.

Work-life balance policies can lower absence and help to tackle the low morale and high degrees of stress that can lead to retention problems as employees tire of juggling work and life responsibilities. The research conducted by the Institute of Employment Studies (Kodz *et al*, 2002) identified employees who were staying longer with their firms because of access to flexible working arrangements.