

August 2018 Newsletter

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### **We've done GDPR - What now?**

The GDPR haze is lifting, you've put in place your Employer Privacy Statement and your employee data is up to date. Let's take a few minutes to remind ourselves of practical issues regarding employees' rights of disclosure and our advice.

### **What is the legal position?**

Even before the introduction of GDPR, employees have had a legal right to sight of data held about them. Obviously this relates to official employment documentation such as contracts of employment and formal letters, however, depending on what the employees' request covers, the employer may be required to produce internal management emails and memo's never intended for the employee's sight, including handwritten notes and any other data referencing the employees' name or initials. Even if these are considered to be confidential.

Not only is it an administrative headache to sift through all emails and paperwork but it also presents the risk that discussions never intended for employees eyes, especially those written carelessly or in the heat of the moment, can be taken out of context and lead to misunderstandings and assumptions never intended. Such documents could be used as evidence against the employer during a Tribunal claim, or to seek a settlement.

### **Our tips to safeguard the business**

The simplest advice we can give is that employers only record information that they would be willing to share with the person who is the subject of the information. For example, notes of a discussion with an employee about their poor performance would include the facts, ie;

- the date of the discussion;



### **Welcome to our Summer Newsletter!**

Now that the flurry of emails about GDPR have finally slowed down we get back to basics of how to record information about employees in a way that will not come back to haunt you.

We're also getting enquiries about the summer - dressing appropriately, office temperatures and how to deal with staff who come in for work a little worse for wear! Advice here!

We'd love to hear from you if you have any HR needs arising from issues in this newsletter, or if there are any HR issues we can help with.

Julie and Antonia

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- who was present;
- the pertinent facts of the conversation;
- what was agreed.

Ideally the note should be provided to the employee for transparency and as a record of the discussion as well as stored on a confidential HR file.

Employers often need to communicate about issues which are not appropriate for the eyes of the employee who is the subject, such as early management discussions about whose job might change in a restructure, staffing reductions, frustrations about poor performance, absence or seeking advice from external consultants such as ourselves on management issues, redundancy, disciplinary and employment law.

Unless such information is handled carefully, it could be disclosed as part of a freedom of information request. In order to safeguard the business we recommend the following:

- consider whether it is possible to speak about the issue over the phone or face-to-face, without any notes being taken;
- If this is not possible, do not include the employees name in the subject header of an email or memo, unless you are prepared for them to see the document;
- Avoid using the employees name or initials in the body of the email or memo. Often the person you are communicating with will know who you're referring to, so names can be avoided altogether. Alternatively, it may be possible to agree a code name or reference which can be used and is unlikely to be picked up in a disclosure request.

Using these practical tips should help you to avoid any pitfalls when it comes to employees' requesting data about themselves.

If you need guidance on your employer obligations under GDPR [click here](#)

## Summer Struggles!

It's lovely to enjoy heat on holidays but working through a heat wave is not without problems! Here's some advice on queries we've been getting from clients;

**Inappropriate Dress** - employers are entitled to require an employee to change clothes, or send them home to change if they present for work in clothes or shoes that



## About Green Light HR Solutions

Leeds HR Consultancy supporting small businesses. We understand the people management challenges you face on a day-to-day basis.

Run by Antonia Nicholls and Julie Shimmin, all the work is performed by us and we take pride in getting to know our clients so that we can provide a high quality and tailored service. We are fully CIPD Qualified with, between us, over 30 years experience of working in HR and managing staff in both the public and private sector.

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**Statutory Entitlements** (qualifying criteria apply)

**Statutory Maternity, Shared Parental Leave, Paternity and Adoption**  
Pay: £145.18 per week

**Statutory Sick**  
Pay: £92.05 per week for up to 28 weeks.

**The National Living Wage (NLW)** from April 2018:  
Workers aged 25 and over: £7.83  
Workers aged 21 to 24 years: £7.38  
Workers aged 18-20: £5.90  
Under 18: £4.20  
Apprentice: £3.70\*

you deem to be unsuitable for the job they are carrying out. This may be especially relevant if health and safety is important to the role, eg, working outdoors, with children, with food, manual handling or using tools and machinery. It is advisable to put in place guidance on dress code, even if this simply states what is not appropriate. If this is an ongoing issue, and not just because of the weather, it may be worth considering providing a uniform, appropriate shoes and/or protective clothing for your employees to wear to safeguard them and your business.

**Hot hot office** - there is no maximum allowable temperature to work in, but HSE advise that temperatures are reasonable given the nature of the work undertaken. Working in a hot environment can lead to lethargy, dehydration, headaches and can impact on productivity. It is therefore important that employees take adequate rest breaks and it may be advisable to encourage them to leave the workplace for a walk and fresh air. Employers could ask employees for their ideas on what will make them more comfortable in the workplace which may include agreement on the most suitable clothes to wear, access to cool drinking water and fruit and adequate air circulation in order for employees to remain productive during heat waves.

**The day after the night before** - employers are fully entitled to send someone home if you do not feel that they are fit to work, and can agree with them that they will take the day as unpaid or annual leave. If the employee is responsible for operating machinery or looking after others such behaviour would breach health and safety standards and may result in gross misconduct. Even in extreme and dangerous circumstances it is always important to follow your own disciplinary process regarding suspension, summary dismissal and gross misconduct. In the interests of clarity it may be an idea to talk to your employees in the lead up to bank holidays, summer festivals and work parties to explain your stance on this tricky issue to avoid any problems.

If you have any other Summer struggles do get in touch for our advice and guidance - 07710 456 240 or [email us](#)

\*This rate is for [apprentices](#) aged 16 to 18 and those aged 19 or over who are in their first year. All other apprentices are entitled to the NMW for their age.

The next increase to the Statutory entitlements will be announced prior to their expected increase in April 2019.



We are pleased to announce that we are an accredited partner of [BreatheHR systems](#).

In response to clients asking if we provided an HR system we hand picked BreatheHR as user-friendly software package designed for small businesses which automates many HR processes, enabling clients to securely store employee details and documents, calculate authorise and report on employee holiday and sick leave.

A number of our clients are already using BreatheHR. If you'd like to arrange a demo please [email us](#).

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