



Issue 32

The Christmas Edition

December 2020

*With the tier system back in place across the Country and with a lot of places on Tier 2 or 3, how are companies choosing to spread a little bit of Christmas cheer to their employees...*

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## VIRTUAL CHRISTMAS PARTIES!

Christmas parties are being organised virtually by businesses whose offices are closed due to the coronavirus pandemic.

Some companies have food deliveries, workshops and live entertainment planned virtually for staff.

The aim is to boost morale, when some home-workers are feeling isolated. Some companies are going one step further with employees being able to choose from more than 30 immersive virtual rooms from burlesque, comedy and even dance floors. Employees can move between rooms using a clickable party map, showing the different performances and where the guests are.

Some (online) ideas for your company if you want to do something different over and above a Teams Quiz could include; Christmas cocktail making, Dance workshops, Wine tasting, Craft events, Baking classes, Christmas awards, Themed party etc etc.

### BUT BE JOLLY CAREFUL

- Virtual Christmas parties add new layers of risk around online bullying,

sexual harassment, privacy and fallouts

- After so much time spent behind a screen, it's easy for employees to forget it is still a workplace environment
- HR must be proactive, assessing those risks and putting strategy in place to minimise them for the benefit of both employer and employee

### TIPS FOR A SUCCESSFUL VIRTUAL PARTY

1. Workplace rules – for appropriate behaviour especially in terms of alcohol
2. Risk assessments
3. Reminders in terms of the alcohol and drug policy
4. Electronic recordings of the Christmas party
5. Start and end time for the event

Whatever you have planned, whether it's a Zoom quiz or a bonkers immersive extravaganza with drag show, live reindeer and actors playing at cabbies. On the upside, there'll be no queue for the loo or the taxi rank to get home!

# BREXIT UPDATE

*With January 2021 approaching, it is crucial for employers to consider the impact of Brexit on recruitment and the job market. Although the full implications of leaving the EU are not yet known, there will be changes to the right of freedom of movement for EU citizens who intend to live and work in the UK.*

*The immediate impact of Brexit is likely to be felt by employers who recruit staff from within the EU. UK-based employers who are seeking to employ an EU citizen on or after 1 January 2021 will need to follow some new rules.*



## THE CURRENT RULES

Currently, all employers are required to check that any individual they are proposing to employ has the right to work in the UK. This existing requirement will apply until 30 June 2021 for EU citizens only and will overlap with the new rules until then.

## NEW RULES

From 1 January 2021, employers will be required to register on an approved list to employ EU citizens. This will be in addition to their existing obligation to ascertain eligibility until 30 June 2021. Employers may apply for the type of licence they require, depending on the category of worker they intend to sponsor:

- Tier 2 Licence entitles an employer to engage *skilled workers* with *long-term job offers*; and
- Tier 5 Licence entitles an employer to engage *skilled temporary* workers.

Applications may be made through the gov.uk webpage, or by submitting a paper application. Fees apply. Employers must also appoint specific roles within their organisation in applying for an appropriate licence and managing the sponsorship process. Those people will be responsible for managing the Sponsorship Management System ('SMS'), and will act as the main point of contact for UK Visas and Immigration (UKVI).

## WORK VISAS AND CLASS OF WORKER

EU citizens will be required to apply for, and obtain, a work visa prior to travelling to the UK. To be granted a visa, a worker must attain 70 points which can be achieved through a number of various skills and abilities.

There will be three classes of worker which applicants will be assessed as:

### 1. Skilled Workers

Skilled workers will be required to evidence that they have an existing job offer from an employer who is on the approved list before applying for their visa. The salary for that role must exceed either the specified rate for that particular job role, or £25,600, whichever is higher.

### 2. Highly Skilled Workers

Highly skilled workers may enter the UK to seek work without an existing job offer, although the number of visas offered to highly skilled workers without a job offer will be capped.

### 3. Low Skilled Workers

Low-skilled workers may not be recruited at the National Minimum Wage; with the Government focussing on the points based system to encourage skilled individuals to enter the UK workforce.

Please contact a DLP advisor if you would like to discuss the above.



# SUPPORTING AN EMPLOYEE WITH AN ADDICTION



For many employers and employees, the COVID-19 pandemic has raised levels of anxiety, levels of loneliness and isolation, depression, and even fear. Various articles before this have advised in depth on how to support employees who are struggling with their mental health issues during this difficult time.

This issue, for some employers, seems to be more difficult to approach when this also relates to an employee who is struggling with an addiction.

The Royal College of Psychiatrists, referring to Public Health England “reported that 8.4 million people’s drinking was ‘higher risk’, up from 4.8 million” prior to Coronavirus.\*

## THE LAW

Is an employee who is struggling with addiction protected under the Equality Act 2010. Is an addiction a disability? Is using drink or drugs during employment a gross misconduct allegation? These are just some of the questions that DLP legal advisors have been asked in the past from clients.

It is true that terminating an employee with an addiction could be discriminatory as they may have other protected characteristics such as depression or anxiety. On this basis, it is important to obtain an Occupational Health Assessment to see how you can support the employee and help them. It is important to approach an employee with an addiction issue impartially and in a non-judgmental way. It is the case

that most employers would not treat an employee with any other protected characteristic unfavourably and therefore, addiction should be no different.

On the other hand, of course, it can be advised that we take disciplinary action against an employee who is intoxicated or inebriated at work, where performance has severely dropped and the business have been impacted but it is crucial to discuss this further with your dedicated legal advisor before proceeding to ensure the process remains legally sound.

## CONSCIOUS AND UNCONSCIOUS BIAS

Again, it is important not to allow any prejudged opinions or attitudes towards addiction cloud your judgment. Suffering with an addiction must be a seriously difficult situation for any employee and their families and employers have a duty to support their employees.

The basic start point would be to address concerns around addiction with an informal welfare meeting, by offering support, discussing through concerns, and obtaining a professional opinion from the Occupational Health Professionals and applying recommendations. Most of us are simply not skilled enough to understand the effect addiction has on our employees.

As with everything in Employment Law, it is about applying fairness and reasonableness to your employees and a DLP advisor can support you further with this.

\* Jacobs, Emma. “Lockdown has worsened addiction problems but offered new support too”, *FT Magazine*, November 6 2020.  
<https://www.ft.com/content/7b90d437-3679-4eb7-b2ba-3899584a3e5a>

# MORE CHALLENGES...



A contract of employment is the basis of the employer-employee relationship, it is the agreement made between the parties and can be verbal or in writing. From April 2020, all new employees must be given a written document outlining the main terms & conditions of employment.

With Coronavirus cases sadly rising, and the country being placed in a second lockdown, the pressures on employers and employees to attend work in a safe way is even more challenging.

The test and trace app means the tracking of the virus is becoming more sophisticated and will, hopefully, help with the control of the virus. However, it does have the potential to place extra pressures on employers because employees could be told to self-isolate if they have been in the vicinity of a known positive coronavirus case. The need to self-isolate is going to affect many more of us over the colder months, but where does this leave the work that is needed to be done?

As has been the message throughout this pandemic (for the most part, anyway), if an employee can carry out their work from home, this is encouraged. Where this is not possible, the following can be considered:

1. Separate your workforce into bubbles, meaning these staff members work together on every shift and do not come in to contact with any other employees.
2. Separate work department areas into 'no-go' or

'no entry' zones, with the exception of the employees who work within that department and a small number of essential managements for that area.

3. If you need to amend working hours so there are less in at any one time, and to prevent mass isolation of staff should a staff member test positive, then the advice in the first instance is to approach this on a voluntary basis. Invite your staff to form bubbles and amend their working hours, perhaps on a trial basis initially to see how it works. Staff members may well be appreciative of the efforts you as an employer are making to maintain their safety, as well as the business, and in turn, jobs.

The important consideration is delivery of message, and the intention behind it. If the positioning is transparent and genuine then employees are more likely to be amenable to suggested changes, albeit temporary in the hope of fending off the virus, which are in the best interest of the business and their safety.

Change to terms, even temporary or for a trial period, do need to be agreed with the respective employees, so a discussion and agreement is needed before any changes can be implemented.

These are just a few suggestions and it may be your specific situation requires different measures. Do be in contact with a DLP advisor today, should you require any assistance.



# STATS FOR NOVEMBER

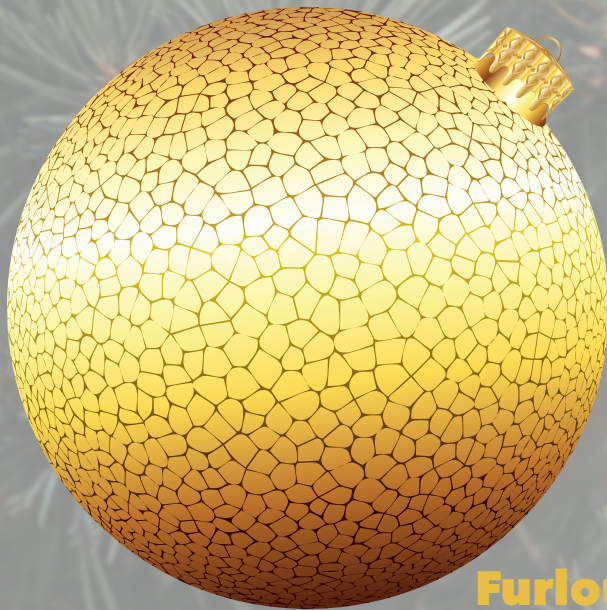


**Grievance - 12%**

**Disciplinary - 8%**



**Sickness (including COVID anxiety) - 16%**



**Furlough - 42%**



**Terminations/Redundancy - 22%**

## OCCUPATIONAL HEALTH SERVICES

*Remember, DLP now offers Occupational Health Assessments. One of the best protections when facing employee illness or injury is to engage an independent provider to interview the employee, assess the situation and make recommendations for modified working, future work assignments, etc.*

*Contact our office today to schedule an OH Assessment.*