

Performance and Absence Management in a Virtual World

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Louise Price

Partner, Head of Employment and HR Services

Louise.Price@hughjames.com

029 2267 5611



Kate Walsh

Associate

Kate.Walsh@hughjames.com

029 2267 5619

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Understanding law, understanding you



Hello

Agenda

- Practical issues when engaging with a remote workforce
- Legal and practical issues surrounding:
 - Performance management
 - Absence management
- Top tips for employee engagement
- Breakout discussion
- Questions

Practical issues

- Employees working in different time zones
- Striking the correct work/life balance
- Privacy concerns when conducting performance or sickness absence management meetings
- Monitoring employees (e.g. keystroke monitoring)

Practical issues

- Being accompanied at virtual meetings
- Persistent absences or poor performance but linked to caring responsibilities / household self-isolation
- Absence or poor performance due to employee struggling with remote working
- Engaging occupational health

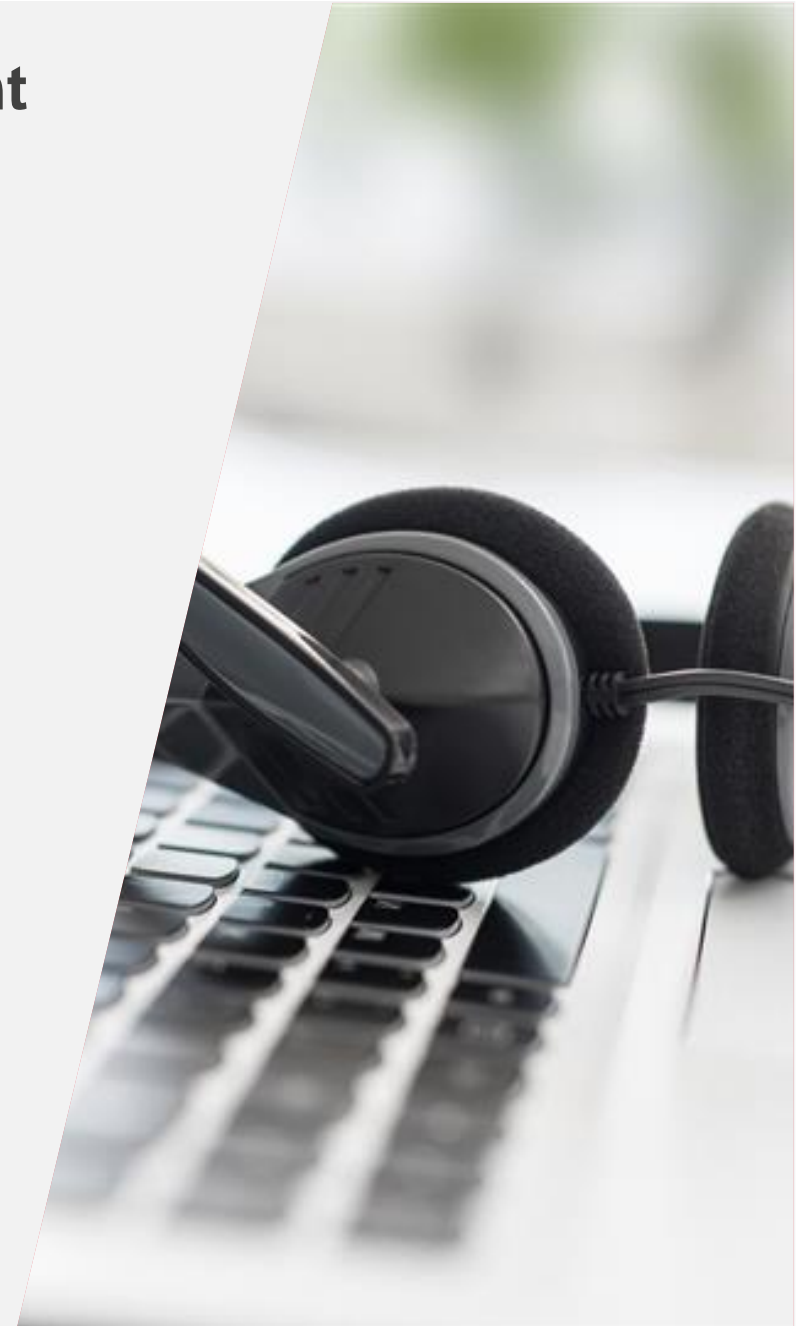
Let's remind ourselves of the legal issues surrounding performance and absence management...

How to get performance management right

- Capability as a fair reason for dismissal
- Fair process
- Identify clear aims
- Think about your organisation
- The key values of effective performance arrangements
- Engage and consult with staff and their representatives
- Get senior managers on board
- Consider the skills and capabilities of managers

ACAS advice for effective performance management

- Setting objectives
- Setting behaviours
- Performance conversations
- Assessing staff against their performance measurements
- Keeping a record of performance
- Considerations when setting performance measurements



Remote working and performance management

- Timing of meeting
- Monitoring
- Privacy
- Right to be accompanied
- Occupational Health
- Child care / caring responsibilities
- Inability to cope with remote working
- Work life balance
- Lack of physical cues
- Dilution of culture
- Practical tips to hold a virtual meeting

Absence management – main considerations

- People who work from home tend to take less sick leave – Research by Manchester Metropolitan University
- However, we also know that employees have faced a number of challenges during the pandemic:
 - Childcare responsibilities
 - Self-isolation
 - Difficulties with remote working
- Should employees be taking sick leave?
 - “incapable by reason of some specific disease or bodily or mental disablement of doing work which he can reasonably be expected to do under that contract”
 - Definition extended to cover self-isolation

Is the correct type of leave being taken?

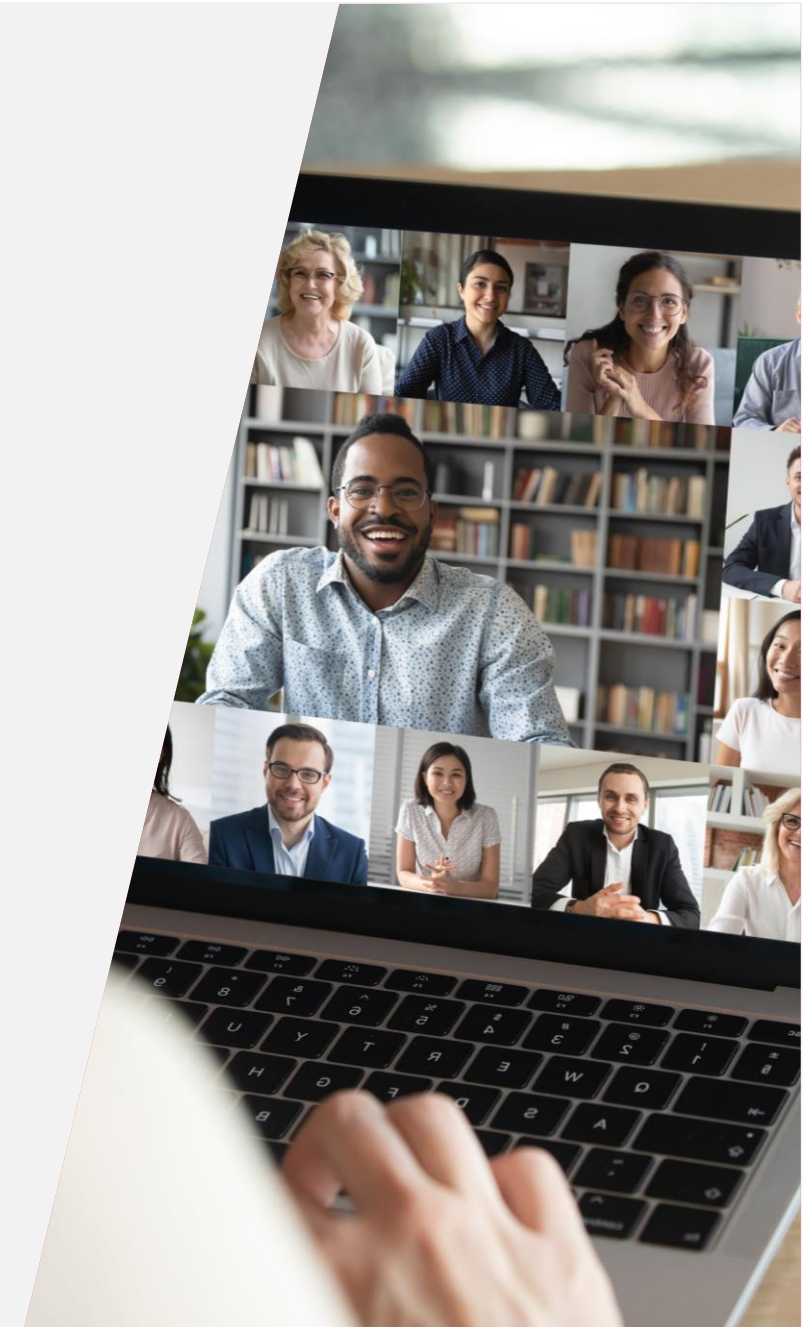
- The importance of clear policies.
- Do employees understand their entitlements – regular communication.
- Are line managers aware of employees' entitlements?
- Self certification – accurate reason for absence is recorded.
- Persistent short-term absences dealt with appropriately.
- Appropriate use of occupational health referrals.

Sick pay entitlement

- Eligible employees from the 4th day of sickness absence
- £96.35 a week for up to 28 weeks
- SSP when self-isolating
- Contractual sick pay – aware of any potential misuse of CSP, particularly if family leave unpaid.

Practical issues – health and wellbeing

- 9 out of 10 workers WFH during lockdown would like to continue working from home in some capacity in the future
- Other studies suggest that employees returning from furlough felt that their overall wellbeing had declined together with job satisfaction and personal confidence
- Mixed experiences – increased mental health issues, loneliness, isolation and employee burnout



Absence management

- Policies are a good starting point but seek to understand whether the pressures of remote working are a contributory factor.
- Formal processes – long and short-term absences.
- When absence becomes a problem – can be a potentially fair reason for dismissal.

Absence management

- Factors affecting fairness of dismissal:
 - Ascertaining medical position
 - GP / specialist reports
 - Occupational health
 - Consulting with employee
 - Considering alternatives to dismissal
 - Reasonable adjustments
 - Alternative employment
 - Permanent health insurance or ill-health retirement
- Interaction with disability discrimination claims



Top tips – employee engagement

- Regular communication on the importance of switching off after work
- Regular 1-2-1s and clear targets
- Social events
- Ensuring your managers know when to escalate concerns
- Engaging occupational health early

Breakout discussion



Any Questions?



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