

The Changing World of Work

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Hello

Agenda

- Current position
- Homeworking – key legal issues to consider
- Homeworking agreements
- Flexible Working
- Working from Home – Data Protection
- Remote Working - Employee Monitoring
- Employee Engagement and Wellbeing
- Q&A

Current Position

- “Work from home” is still UK and Welsh Governments’ official guidance
- COVID-19 risk assessment must be carried out – legal requirement in Wales
- Employers expected to:
 - Take action to ensure that 2m physical distancing is maintained in the workplace
 - Take “all other reasonable measures” to minimise exposure to COVID-19
 - Actively implement Test, Trace, Protect in the workplace
- CJRS further extended to 30 September 2021 – no change in rate for employees
 - Employers to contribute pension and NI only until 30 June
 - 10% contribution from 1 July
 - 20% in August and September

ACAS – top tips for businesses reopening

1. Make sure the workplace is COVID-secure
2. Plan ahead with staffing
3. Talk to staff about your plans
4. Think about the health and wellbeing of your staff
5. Don't forget about employment rights

Homeworking

- Health and Safety
 - Duty to take steps to ensure the health, safety and welfare of all workers
 - Duty to provide a safe system of work – including home workers
- Risk Assessments
 - Employers have a general duty to conduct risk assessments of all work activities carried out by their employees.
 - Identify hazards and assessing associated risks.
 - Take measures to remove any hazards or, minimise the associated risks.
 - DSE obligations
- Equipment – including reasonable adjustments



Homeworking

- Contractual Changes
 - Requirement to change “place of work”?
 - Any additional benefits to be added / removed?
- Consider whether any other policies should be updated
- Suitable for everyone?
- Preventing Discrimination
- Data Protection
- Engagement and Wellbeing

A close-up photograph of a hand holding a black fountain pen, signing a document. The document contains placeholder text in Latin, such as "consequat", "dolor", "tempor", "magna", and "signature". The signature is written in black ink. The background is a light gray.

Homeworking Agreements / Policies

- Legal status?
- Place of work?
- Which costs are covered?
- Equipment – provision, maintenance and insurance?
- Conditions for homeworking?
- Notice for terminating homeworking agreement?
- Data protection issues
- Health and safety

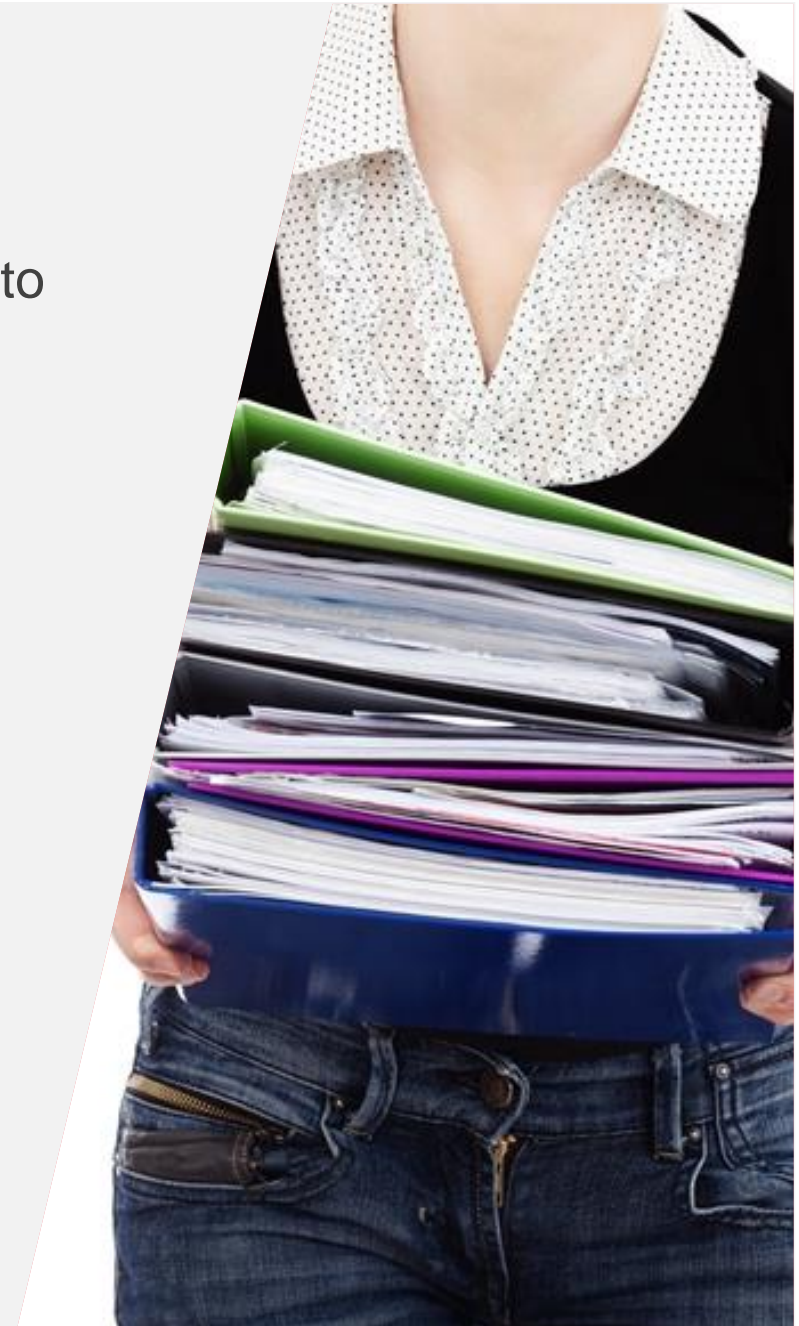
Flexible Working

- All employees now have the right to request flexible working provided certain eligibility conditions satisfied
- Formal Process
- Trial Periods
- Increased requests to WFH? More difficult to turn down?



Working from home – UK GDPR / DPA 2018

- Huge increase in WFH since start of lockdown – increased risk to data security
 - Home offices / shared workspaces
 - Data controller has less control
 - Vulnerability of networks
 - Physical storage / deletion
- Recognising breach of data security
 - Clear reporting processes
- Mitigate risks
 - Effective visible policies
 - Training



Working from home – ICO top ten tips

- Follow your organisation's policies, procedures and guidance
- Only use approved technology for handling personal data
- Consider confidentiality when holding conversations or using a screen
- Take care with print outs
- Don't mix your organisation's data with your own personal data
- Lock it away where possible
- Be extra vigilant about opening web links and attachments in emails or other messages
- Use strong passwords
- Communicate securely
- Keep software up to date

Remote working – employee monitoring

- Monitoring software – employer concerns
 - Productivity levels dropping
 - Misuse of systems
- Need a lawful basis under UK GDPR
- Measures need to be proportionate to the risk identified and not excessive
- Article 29 Working Party:

“Technologies that monitor communications can [...] have a chilling effect on the fundamental rights of employees to organise, set up workers’ meetings, and to communicate confidentially (including the right to seek information).

Owing to the capabilities of such technologies, employees may not be aware of what personal data are being processed and for which purposes, whilst it is also possible that they are not even aware of the existence of the monitoring technology itself.”

Remote working – engagement and wellbeing

- Blurring of work / life balance
- Social isolation / anxiety
- Setting clear expectations
 - Communication
 - Annual leave
- Employee engagement via wellness programmes
- Long term sickness absence management
- Dealing with the “reluctant returner”



HSE Management Standards for managing stress in the workplace

- [Demands](#) – this includes issues such as workload, work patterns and the work environment
- [Control](#) – how much say the person has in the way they do their work
- [Support](#) – this includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues
- [Relationships](#) – this includes promoting positive working to avoid conflict and dealing with unacceptable behaviour
- [Role](#) – whether people understand their role within the organisation and whether the organisation ensures that they do not have conflicting roles
- [Change](#) – how organisational change (large or small) is managed and communicated in the organisation

Any Questions?



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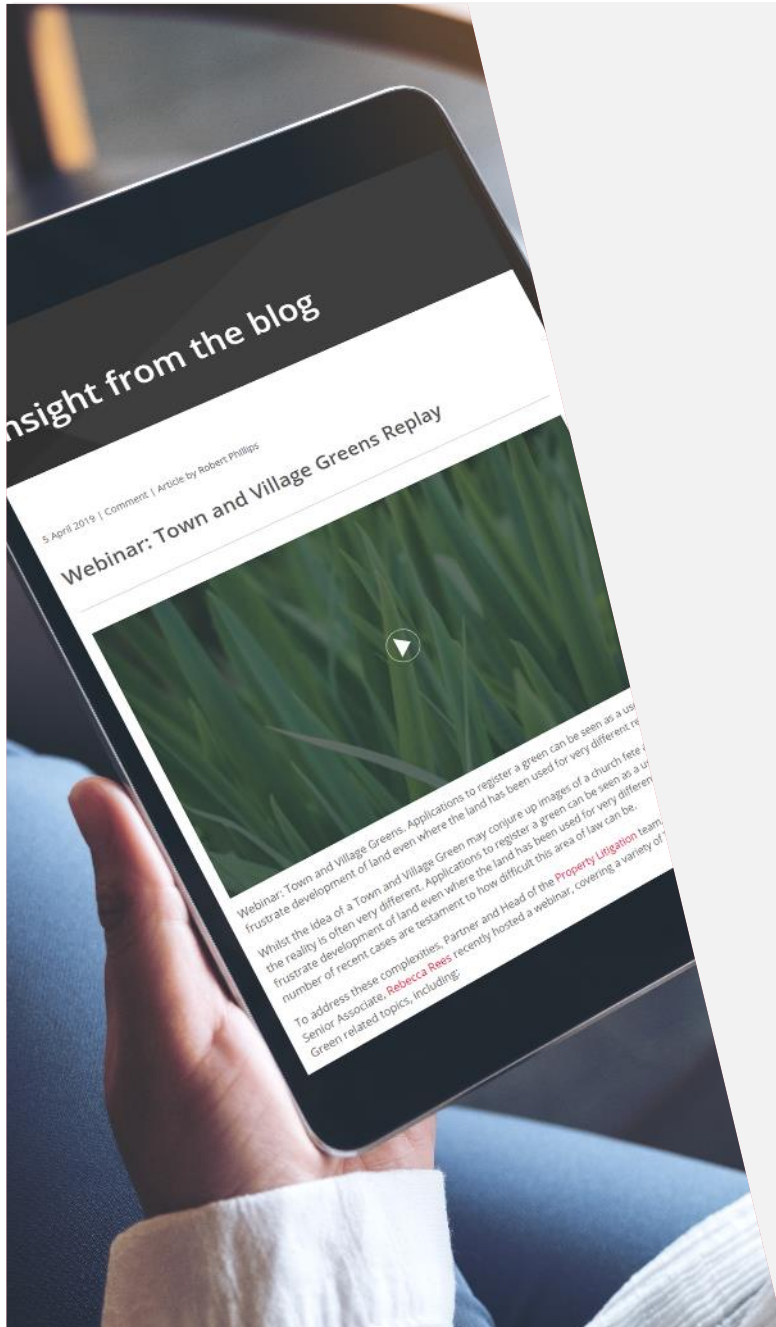


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Upcoming events and webinars

- 23 June: Performance and Absence Management in a Virtual World
- 22 September: Equality and Diversity in the Workplace
- 17 November: Whistleblowing – what you need to know



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