



McCleary & Company Ltd.

Chartered Accountants & Registered Auditors

HR Update: Spring 2013

In this update, we focus on managing an employee's return to work after a stress-related absence.



Returning to work after stress-related absence

If staff take time off because of work-related stress, getting them back to work as quickly as possible is important. A well-managed early return to work will reduce the risk of the absence lasting longer than one month, after which it is considered 'long term'. In general, people find it more difficult to return to work after a long-term absence.

It is important to:

- keep in regular contact with the employee to help keep work on their agenda. This also offers good opportunities to plan the return to work
- review the situation. The employee needs to regularly review their situation with their GP
- hold a return to work discussion to identify what led to the

absence and any adjustments their manager could make to improve the situation.

Keep in mind that the person may find it difficult to talk about these issues. There may also be factors outside work that contributed to the person's work-related stress. Talking to the employee about these will help identify whether adjustments at work will help. But don't assume that stress is only caused by factors outside of work.

Staged return

When the employee feels ready to return to work, a staged return - for example, working part-time hours for the first few weeks - can assist with their smooth return to the workplace.

As stress at work is often linked to specific problems - such as having too much to do in too short a time - it may be helpful to think about practical steps or adjustments that may help the

employee when they return:

- If workload is an issue, some temporary adjustments may need to be considered to reduce the amount of work they will have to deal with - could work be distributed to other team members?
- If the person has found it difficult to cope with particular tasks involved in their job, temporary changes to their role may provide valuable breathing space by reducing immediate work pressures on their return
- Is the person clear about what their job involves and what is expected of them? If not, a review may clarify the aims of the job and the tasks they are expected to complete
- People returning to work after being off with stress (or other illnesses) may prefer a period of stability. If changes are necessary or unavoidable, the employee needs to be fully involved and consulted.



Case study

Age discrimination: tribunal finds degree requirement for promotion was not justified

In a long-running age discrimination case, an employment tribunal has found that a police force's requirement that its legal advisers have a law degree to be promoted was not justified.

In *Homer v Chief Constable of West Yorkshire Police* [2012] the Supreme Court held that a requirement that a police force's legal advisers obtain a law degree before they could be promoted to the highest pay grade could be indirect age discrimination against the claimant, who did not have enough time to complete a degree before he reached the employer's retirement age.

However, the Supreme Court sent the case back to an employment tribunal to decide whether or not the employer's provision, criterion or practice (PCP) of requiring a law degree to proceed to the third tier of its career grading structure was justified as a proportionate means of achieving a legitimate aim.

The employment tribunal referred to the evidence of Mr. Hughes, a HR professional with the employer who had over 15 years' experience in HR. He stated that, based on his reading of the case law and his understanding of how to maintain employee relations, applying a different pay scheme to new starters, compared with existing staff doing the same job, would have been "illogical and fraught with problems".

The tribunal concluded that Mr. Hughes had overstated the problems that providing a different remuneration scheme to new starters would have caused. Mr. Hughes had "advanced generalisations in an unconvincing manner". The tribunal pointed out that it is not uncommon in the current economic climate for employers to offer lower wages and different benefits to younger workers, particularly in relation to pensions.

The employment tribunal did not accept the employer's argument that the aim of recruiting quality candidates by requiring new recruits to have a law degree meant that it was appropriate or reasonably necessary to require existing staff to have a law degree too. The tribunal concluded that requiring legal advisers to hold a law degree would not have affected the employer's recruitment aim. The tribunal weighed the number of legal advisers affected (just the claimant) against the damage or disappointment that might result to him and found the PCP to be unjustified.

The legal representatives indicated that Mr. Homer's compensation could largely be agreed between the parties. A remedy hearing would probably not be necessary.

Did you know?

Unfair dismissal compensatory award increases

The maximum compensatory award for unfair dismissal has increased from £72,300 to £74,200 where the effective date of termination occurs on or after 1 February 2013.

Other changes include:

- an increase in the maximum amount of a 'week's pay' for the purposes of calculating a basic or additional award of compensation for unfair dismissal or a redundancy payment from £430 to £450; and
- an increase in the maximum amount of a guarantee payment payable to an employee in respect of any workless day from £23.50 to £24.20.

These new limits apply to any event that gives rise to the award of payment that occurs on or after 1 February 2013.

Employee recognition programmes and why you should have one

An employee recognition programme is defined as:

Communication between management and employees which rewards them for reaching specific goals or producing high quality results in the workplace.

Ironically, it is when times are toughest and high productivity is most important that employee recognition is most likely to be neglected. Christmas parties are cancelled and bonuses are cut as efforts to cut costs increase. But there are a number of low- to no-cost ways to show your appreciation for a job well done, such as:

- a simple 'thank you' speech
- thank you notes
- gift cards
- a weekly work lunch or after-work drinks

Effective reward schemes should:

- Reward specific achievements - schemes such as employee of the month can seem too 'woolly' and can lead to accusations of favouritism. Reward specific achievements to let employees know exactly what you want from them, and what you consider to be 'going the extra mile'.
- Include peer-to-peer recognition - employees tend to feel more satisfied when rewarded by their peers, who are more likely to know the finer details of what they do.
- Make recognition easy and frequent - don't save recognition for an annual announcement, make it easy for employees to recognise each other's work.



Please contact us if you would like to discuss your HR issues.