



ActifHR

Where people matter...

April 2016 Update

Welcome to the April update.

In this edition we report on:

- Director's unsympathetic comments about employee's stress
- Company Handbooks - incorporation of terms
- State second pension

If you need any further advice on the issues raised below, help updating procedures and policies or with any other aspect of employment law / HR do not hesitate to contact me.

If you think anyone else would benefit from this update then feel free to forward this email on.

Director's unsympathetic comments about employee stress

A Tribunal has just found that a director from Specsavers Opticians comment to an employee with depression that "everyone gets depressed sometimes, you just have to pull yourself together" were offensive and discrimination.

The employee told the employee she was struggling with depression and he replied by saying that he had no sympathy for "this kind of thing". She was then off work for periods of absence and again late for work (due to oversleeping because of the effect of her medication). Despite the employee telling the director that she was on medication and been diagnosed with depression he decided it should go straight to disciplinary action. She resigned after being told

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that it was likely she would be dismissed.

The Tribunal found that the director's unsympathetic approach to the employee's condition was discriminatory under the Equality Act 2010 and they had failed to make reasonable adjustments.

Employers - we have put together a Line Manager brief on Stress:

Don't say: You're letting the team down

Do say: One of your colleagues has told me confidentially that she is worried about you.

Don't say: I hope you're not going to end up a nutcase.

Do say: Would it be worth you talking to your GP or we can help you find a counselling service?

Don't say: Pull yourself together and get on with it

Do say: What else do you think we can do to help you improve things?

Don't say: You're all over the place at the moment, what's up?

Do say: I'm concerned that you seem to be under pressure - do you want to talk about it?

Contact us if you need any help with sick employees

State Second Pension

From 6 April 2016, a new single-tier state pension will replace the current two state pension elements (S2P). Up until now, occupational pension schemes have been allowed to contract-out of S2P by providing similar alternative benefits to those received under S2P.

However, S2P will no longer exist from 6 April 2016, so occupational pension schemes will no longer have the ability to contract out. Therefore, both employers and members of contracted-out schemes will see an increase in their National Insurance contributions. In effect, members and employers of contracted-out schemes currently pay lower rates of NI in return for not participating in S2P.

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Employers: there may be options for employers to offset this additional financial burden and if your business operates a contracted-out scheme it would be wise to seek expert pension advice. We can put you in touch with an appropriate adviser who can review this and your pension auto-enrolment obligations.

Contact us if you need help with pension advice

Caroline Robertson, CEO

Qualified as a Solicitor in 1999.

Caroline has a wealth of experience supporting business clients with practical hands on HR advice.

Caroline's pragmatic approach helps businesses of all sizes deal with complex HR situations.



John Wade

John has successfully led several small and medium-sized businesses as Operations Director and COO. His experience includes managing businesses and coaching business owners through development. John has led redundancy, disciplinary and grievance procedures. He is renowned for solving problems quickly, efficiently and fairly.



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