



ActifHR

Where people matter...

May 2017 Update

Welcome to this month's update - where we discuss the latest guidance and legislation.

In this Edition we report on:

- More Top Tips for Managing Conflict – Part 2 (Part 1 in March 2017 update)
 - The Right to be Accompanied – guidance on whether an employer can refuse the chosen companion
 - Bank Holidays – what does the Labour party suggest?
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More Top tips for managing conflict - Part 2 (Part 1 in March 2017 update)

In a previous update, we looked at some top tips to help deal with conflict in the workplace. If conflict is left, it can escalate beyond all proportion and become lengthy and difficult to deal with.

* Attempt to not force change on others

It is virtually impossible to fix a deteriorating or broken relationship by trying to control the other person's behaviour. If having a full and frank discussion with the person on a reasonable basis is not possible, you need to consider trying to change the way you deal with, and behave

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towards them. However frustrating someone is being, try experimenting with different ways of interacting positively with them, and avoid being passively aggressive.

* Let the other person speak, while you listen hard!

Really listening to someone else in conflict can often be very difficult. It can be even harder to really 'hear' what they have to say. At times, dismissing what the person is saying can become easy. Try and listen carefully to the other person's point of view, while suppressing your own contrary views. It is not about taking turns to talk, it is about taking turns to attempt to explain and understand.

*Tell them what they have told you

One of the key skills to develop active listening is to reflect back to the other person what they have said. This helps the other person know that you understood.

* Be reflective, not impulsive

Take time to gather your thoughts and cool off. Don't assume a negative motivation for what they did, it could just be a misunderstanding.

* Don't dwell on the past, focus on the future

Agreeing with one another may never happen. It could be likely that you never agree on whose fault it is. Simply state how it made you feel. Focus on how things could be made better, or at least different, going forwards rather than constantly going over old ground.

Employers: Conflict normally arises from a failure to acknowledge another person's point of view. It is taking the time, sitting and listening, giving feedback, and focusing on the future rather than going over the past, which differentiates a good manager.

Contact us: We can assist with workplace confrontation to prevent it escalating to the grievance level.

The Right to be Accompanied

All employees have the right to be accompanied by a trade union representative or a colleague at a disciplinary hearing. If an employee is refused that right, then they could claim up to two weeks' pay in a Tribunal. In the recent case of *Gnahoua v Abellio London Ltd*, Abellio had not

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permitted Mr Gnahoua to be accompanied at his appeal hearing by his chosen companion, one of two brothers from the PTSC Union.

The company policy was that neither of these individuals were permitted to participate in a disciplinary/grievance hearing, because of their association with dishonesty. Mr Gnahoua could choose a different union member if he so wished to, but that did not happen.

The company had good reason to refuse to associate with his choice of companion. Mr Gnahoua was only awarded a nominal compensation amount of £2 as he had not suffered a loss or suffered detriment in this situation.

Employers: Should not see this as being given the green light to object to an employee's choice of companion. Any objections are only justified if there are serious grounds to do so.

Contact us: We can advise on disciplinary and grievance procedures and how to conduct hearings in an effective way.

Bank holidays

This week, Jeremy Corbyn has announced that a Labour Government would seek to create four new UK bank holidays, St David's Day (1 March), St Patrick's Day (17 March), St George's Day (23 April) and St Andrew's Day (30 November). What impact would the creation of four new public holidays have for employers and employees in reality?

It is highly likely that it will make little difference to most of the UK's workforce. If an additional public holiday is declared, it does not mean that all employees will automatically be entitled to receive an additional paid day off work.

An employee may or may not be entitled to take any additional bank holidays, as a result of such a move. This would be dependent upon the wording of their contract of employment.

Employers: Under the regulations, employees are entitled to 28 days holiday per year which can include bank holidays. Even if another bank holiday is declared it does not mean their entitlement increase.

Contact us: We can advise on holiday pay and allowances particularly with zero hours / short term working.

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