



**ActifHR**

Where people matter..

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## September 2024 Update

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

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In this Edition we report on:

- Disciplinary and Grievance procedures
- Preventing sexual harassment
- New tipping laws

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### Disciplinary and Grievance procedures

Employers must act reasonably in disciplining employees, as incorrect handling can often lead to costly employment tribunal awards.

Remember to ensure you follow the ACAS Code's guidelines on disciplinary procedures.

As part of this you need to consider both formal processes and informal options.

Employers need to act fairly in their decision-making process, as well as having clear policies which are communicated. By equipping managers with skills this allows them to handle discipline effectively in the workplace.

Handling employee grievances correctly is also crucial to avoiding costly litigation.

A well-managed grievance can reveal workplace issues and help resolve conflicts before they escalate.

We can guide companies through the grievance process, making sure managers continue to relationship-build and act fairly throughout.

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**Employer:** ensure you have good recruitment and employee management procedures.

**Contact us:** we can support your business

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## Preventing sexual harassment

From 26 October 2024, employers will be under a proactive duty to take reasonable steps to prevent sexual harassment of their workers.

Ahead of the new duty coming into effect, the Equality and Human Rights Commission has issued a consultation on the changes that it proposes to make to its technical guidance to take the duty into account.

This is especially important in the hospitality, retail and other customer facing industries.

**Employers:** now have an anticipatory duty to check if there is a risk of sexual harassment to put in pre-emptive measures.

**Contact us:** we can assist with these new duties

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## New tipping laws

The Employment (Allocation of Tips) Act 2023, will come into force on 1 October this year, meaning that withholding tips from workers will be illegal. The statutory code of practice states they will need to distribute tips in a “fair and transparent manner” and make sure all tips and service charges are passed on to workers without deductions.

The legislation applies to all people working at the place of business, whether they are employees or hired through an agency.

Employers will have to maintain a written policy on how tips are dealt with at their place of business and ensure the policy is made available to all their workers. They will also need to keep a record of all tips paid, as well as their allocation and distribution.

The code sets out that tips do not necessarily have to be allocated at the same proportion to all workers. However, it states they should use a “clear and objective set of factors” to determine this, such as:

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- Type of role or work
- Basic pay
- Individual and/or team performance
- Seniority or level of responsibility
- Length of time served with the employer
- Customer intention

**Employers:** need to be transparent on the way tips are allocated to all workers

**Contact us:** we can assist with a tipping policy



Caroline has a wealth of experience supporting business clients with practical hands on HR and Employment Law advice. Caroline's pragmatic approach helps businesses of all sizes deal with complex HR situations. She qualified as a Solicitor in 1999 and now acts as a specialist Human Resource / employment Law Consultant to business.

**Caroline Robertson, Director**

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