HR Legal Update

8 December 2022

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Section A: Case Law update

Vanishing Dismissals

Marangakis v Iceland Food Ltd [2022] EAT

The Claimant was dismissed for gross misconduct and appealed the decision stating she wishes to be reinstated. Following an appeal hearing, the Claimant emailed the Respondent stating she felt the "mutual trust…has been broken" and that she was now seeking compensation.

Respondent wrote to the Claimant confirming the appeal against summary dismissal had been allowed and the Claimant was to be reinstated with continuity of service and backpay. The Claimant did not return to work and sought to repay the backpay to the Respondent. The Claimant was dismissed by reason of failure to attend work.

The Claimant brought a claim of unfair dismissal based on the first dismissal. Question for the Tribunal was whether the original dismissal 'vanished' if the Respondent reinstated the Claimant.

ET held as the Claimant had not withdrawn the appeal, the dismissal 'vanished' and therefore could not be the subject of an unfair dismissal claim.

The Claimant appealed on the basis she had communicated an intention to withdraw the appeal.

EAT held despite stating that she did not wish to return to work, the Claimant did continue to participate in the appeal and therefore the ET was entitled to conclude that the words used did not, on an objective analysis, indicate a decision to withdraw from the appeal.

Takeaway point: Only where an appeal is expressly withdrawn can an employee 'escape' the consequences of a successful appeal. Otherwise, upon a successful appeal, the dismissal 'vanishes'.

Harassment by emoji

X v Y [2022] ET

A female senior manager was subjected to a prolonged period of harassment. The woman's manager first began a romantic pursuit of the Claimant, which eventually turned into a campaign of harassment. The manager's behaviour included:

- Sending the Claimant messages containing the peach emoji
- Sending suggestive messages
- Inviting her out for dinners
- Calling her whilst drunk
- Inviting her to go with him to set up a company abroad
- Becoming jealous of her spending time with another male colleague

The Claimant raised a grievance but claimed she was harassed by the managers who investigated her case. The ET found the manner in which the grievance investigation had been conducted by accepting the manager's defence and effectively siding with him, was in itself discriminatory.

The Claimant later resigned following a dispute over pay. Since she suffered from PTSD, anxiety and depression which the Tribunal described as "significant and debilitating".

Tribunal made award of £420,000 including £24,000 for injury to feelings and £30,000 for psychiatric injury noting there was a "double impact" for this claimant who not only had to deal with the harassment by her boss but also to endure a discriminatory internal process when she spoke out.

Takeaway Point: The parameters of what may constitute/contribute to harassment are extended – use of emojis can constitute harassment if the conduct has the purpose or effect of violating the recipient's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the recipient.

Remote Working – discrimination

Keown v Staines Road Surgery ET Sept 2022

A GP receptionist whose medical conditions (classed as a disability under the Equality Act 2010) placed her in the high-risk group during the pandemic. The ET said she was discriminated against when she was not allowed to work from home.

The tribunal found that Staines Road Surgery (SRS) put Tracy Keown, who experienced microvascular angina, at a "substantial disadvantage'' when it did not provide her with a laptop or acquire funding for a new phone system as the practice manager did not think it was "practical" for her to work from home.

The surgery's argument that Keown couldn't work from home because she was required to perform "certain tasks" was dismissed by the judge, who found in cross examination that she never performed those tasks. A further claim of unauthorised deduction of wages was not upheld.

The tribunal heard that Ms Keown was employed at the GP surgery as a receptionist from 11 November 2019, until her resignation on 23 February 2021. Her tasks included general reception duties, alongside opening and closing the surgery, opening the mail, chaperoning patients and performing CPR when necessary.

On 17 March 2020, Ms Keown sent a text to the practice manager Ms Butler to say she was seeking advice on whether she needed to self-isolate because of her heart condition, and "clearly informed" her that she had a microvascular heart disease. Butler also confirmed to the tribunal she was aware that Ms Keown had been "investigated for a heart condition".

The tribunal heard that Ms Keown was eventually diagnosed with microvascular angina, which placed her into the high-risk group for Covid. While this wasn't confirmed by her GP until May 2020, the tribunal said that SRS knew she had a heart condition, would be considered high risk during the Covid pandemic and was therefore disabled. She had also sent them guidance from The British Heart Foundation to similar effect.

The Guidance to GP's issued on 6 April 2020 recommended that employers should carry out a risk assessment for disabled employees to ascertain any reasonable adjustments they may need, but the tribunal heard that no risk assessment was done for Ms Keown.

The tribunal accepted that the failure to carry out a risk assessment didn't amount to a failure to make reasonable adjustments, but it rejected evidence that the practice didn't need to carry out an assessment because SRS was a "professional GP [that] had already taken measures to protect staff" and that "no such assessment was necessary".

It also found evidence to suggest that SRS did "immediately consider home working" and emails were exchanged between Ms Butler and Ms Keown outlining the possibility of her working from home.

On 23 March 2020, the NHS Richmond Clinical Commissioning Group sent an email making recommendations that high-risk employees should work from home "by default" and that it would prioritise installing a tool to facilitate home working if that was the case. It also detailed how to get electronic prescribing and telephone systems up to enable forwarding calls, "allowing receptionists to work from home". The tribunal said: "We repeat: by this date [Staines Road Surgery] knew [Keown] was at high risk".

The email also said each practice would receive two laptops for home working and, on 18 March, Ms Butler emailed about the provision of a laptop for a member of staff with a "health condition" they would like to set up. She emailed again on 23 March, saying the practice had a "member of staff they are eager to set up", then on 26 and 27 March Ms Butler chased up the laptops. The tribunal said it was "clear" the laptop was intended for Ms Keown.

However, it noted that there was no evidence to suggest that the laptops were provided to the practice, which claims they received two laptops in "late April" but added: "We of course know that no laptop was given to [Keown]," and that there was no evidence as to why a laptop was not provided to her and "why she could therefore not have worked from home".

On 25 March 2020, an email was sent explaining that funding would be applied for to get a new phone system to allow practices to redirect phone lines to staff working from home. Again, the tribunal said there was "no evidence" as to why a phone line was not provided to Ms Keown, and why "telephone calls were not and could not have been diverted to her, thus enabling her to have worked from home" and that there was work available that she could have performed at home.

The tribunal said SRS claimed Ms Keown couldn't work from home because she was "required to perform certain tasks", such as opening and closing the surgery, opening post, chaperoning patients and CPR. The tribunal found that none of those reasons applied, as Ms Keown never had to chaperone, if CPR was required "other members of staff" would carry it out, and Ms Butler told the tribunal in cross examination that they "didn't require" two receptionists to open and close.

The tribunal said that SRS initiated some steps to facilitate home working but none of them were completed: "We find that [SRS] could reasonably have provided [Keown] with a laptop, that they could reasonably have diverted a telephone line to her home, and additionally and for completeness, we find that [SRS] could reasonably have reallocated work among other reception staff in order that the claimant could have worked from home."

The tribunal ruled that SRS put Keown at a "substantial disadvantage in comparison with persons who are not disabled", and that a "reasonable step" would have been to allow her to work from home. It also rejected Ms Butler's evidence that it was "not practical for a receptionist to work from home".

The tribunal ordered SRS to pay Ms Keown £45,000 for failure to make a reasonable adjustment, discrimination arising from disability, health and safety detriment and unpaid holiday pay.

Redundancy: Pools of One

Mogane v Bradford Teaching Hospitals NHS Foundation Trust [2022] EAT

Mrs Mogane worked as a nurse at Bradford Teaching Hospitals NHS Foundation Trust (the Trust). The Trust was engaging in a restructure and redundancy exercise and wished to reduce the number of band 6 nurses. At the time, there were two band 6 nurses carrying out similar roles, Mrs Mogane and another, both of whom were on fixed term contracts. Mrs Mogane's fixed term contract expired earlier than the other nurse's contract. Both nurses were put at risk of redundancy and pooled together.

In determining the selection criteria to be used, the Trust decided to adopt a single criterion: the expiry date of the individual's fixed term contract. It was not until after this decision in respect of selection had been made that the Trust engaged in any kind of consultation process.

No suitable alternative role was identified and consequently, Mrs Mogane was made redundant.

Decision

At first instance the Employment Tribunal held that the dismissal was fair. On appeal however, the EAT held that consultation was a "fundamental aspect" of a fair redundancy procedure. As the adoption of one single selection criterion simultaneously decided the pool of employees and further, which employee was to be dismissed, the procedure was unfair. The fact the Trust had not consulted with the nurses as to the criterion before it was adopted, meant Mrs Mogane could not realistically affect the outcome of the process.

The EAT also warned against employers acting arbitrarily between employees when choosing the selection criteria. In this matter, having the date when the fixed term contract expired as the only criterion was considered by the EAT to be arbitrary and therefore, unreasonable.

Comment

For a consultation be meaningful, it must take place at a stage where an employee or employee representative can still, potentially, influence the outcome. Redundancy consultation is not meaningful if it takes place after a decision to apply a selection criterion that inevitably leads to a pool of one. Consultation had started too late in the process to impact the outcome.

Pools of one may be entirely suitable in some circumstances, for example for unique, stand-alone roles; however employers should be wary of artificially creating a pool of one for convenience.

Selection Criteria: Marked down for dyslexia?

Mrs Jandu v Marks and Spencer Plc (ET) [2022]

Mrs Jandu had worked for M&S for 22 years. She was dyslexic and found reading and communicating via lengthy emails difficult, and she preferred to communicate using bullet points to help her avoid making mistakes. She had difficulties with sentence construction and spelling and regularly asked other colleagues to proof-read any important emails she had to send.

Mrs Jandu had informed her line managers that she was dyslexic. She had requested adjustments that may help her in the workplace, including asking her manager to colour code the most important parts of her emails as otherwise, Mrs Jandu struggled to take in all of the information. This adjustment was sometimes adopted but was not used consistently.

M&S announced a redundancy exercise and Mrs Jandu was placed in a pool of 11, to be reduced to six. Those at risk were to be scored against the following three criteria: Leadership Skills, Technical Skills and Behaviours. Mrs Jandu was marked down for her "accuracy and attention to detail" which led to "extra review time" by her line managers. She was also marked down for behaviour as her standard of work reduced when workloads were high. Mrs Jandu raised issue with the scores at an individual consultation meeting, linking the issues with her dyslexia. Mrs Jandu's line manager denied that any of the assessment was linked to Mrs Jandu's dyslexia.

Decision

Mrs Jandu succeeded in her claims for unfair dismissal, discrimination arising from disability and failure to make reasonable adjustments. The Tribunal held that Mrs Jandu's experience of dyslexia amounted to a disability under the Equality Act 2010 and that the errors complained of were this. As the errors caused by her disability had more than a minor influence on M&S's decision to select Mrs Jandu for redundancy, the selection was discriminatory. The Tribunal held M&S should have implemented reasonable adjustments by discounting any disability-related effects when scoring.

Comment

Employers should be mindful that dyslexia may amount to a disability under the Equality Act 2010, however this is to be determined on a case-by-case basis. At the point of being made aware of a disability, employers should seek guidance from Occupational Health as to what adjustments may be made in the workplace. Consideration should also be given to adjustments during the redundancy process specifically, to ensure any scoring is not negatively impacted by an employee's disability.

Separately, the Tribunal in this case highlighted the subjective nature of the scoring criteria. Whilst M&S had tried to simplify the process by scoring employees on their leadership skills, technical skills and behaviours, the fact they had not added clear guidance as to what was and was not covered by each criterion left a great deal of scope for subjective opinion.

When is a reasonable adjustment, unreasonable?

Mr Hilaire v Luton Borough Council (EAT) [2022]

Mr Hilaire was employed by Luton Borough Council (the Council). Mr Hilaire suffered with depression and arthritis, both of which were held by the Employment Tribunal (ET) to constitute a disability under the Equality Act 2010.

As part of a redundancy exercise, the Council invited Mr Hilaire, in addition to 13 other employees, to interview for a role in the new structure. Mr Hilaire was given an extension to complete the application form after complaining he had not received sufficient support because he was absent from work due to ill health during the

consultation period. Mr Hilaire was then invited to interview for the role. Mr Hilaire declined to attend the interview indicating his sickness absence was to continue. Despite repeated requests from the Council as to when Mr Hilaire may be available to attend an interview, Mr Hilaire did not respond. The other candidates had been interviewed and were awaiting an outcome and so the Council imposed a deadline for Mr Hilaire to attend an interview. Mr Hilaire responded and asserted he would not attend an interview because he believed those involved in the interview process had also discriminated against him previously because of his disability.

Mr Hilaire was not offered the role. He argued that whilst the Council postponed the interview, this was not an adjustment which would remove the substantial disadvantage caused by the requirement to interview, the PCP. Mr Hilaire argued he should have been "slotted" into the new role.

Decision

At first instance, the ET held that whilst the Council had a practice of requiring employees to attend an interview in a redundancy process, the fact that Mr Hilaire stated he would not attend the interview, irrespective of his disability, suggested he was not placed at a substantial disadvantage. On appeal, the Employment Appeal Tribunal (EAT) held that the Tribunal had erred in considering whether Mr Hilaire was put at a substantial disadvantage and rather the correct approach was to consider the disadvantage in comparison persons who are not disabled to establish whether the effect of the disability made it more difficult for a disabled employee to attend an interview.

Whilst the EAT held that Mr Hilaire's disability would hinder participation in an interview, they concluded from the evidence that he wouldn't have attended the interview due to reasons unconnected with his disability and therefore he was not placed at a substantial disadvantage because of his disability.

The EAT rejected that "slotting" Mr Hilaire into the new role would be reasonable noting the impact it would have on other employees within the organisation who were waiting for a decision. The EAT noted it can be a reasonable step for a vacancy to be filled as a reasonable adjustment, however this would not always be the case. Crucially, the EAT remarked that "making a reasonable adjustment is not a vehicle for giving an advantage over and above removing the particular disadvantage".

Comment

The reasonableness of any adjustments should be considered in light of the wider impact that adjustment may have and whether that adjustment goes further than necessary in creating an advantage over others.

Consequences of a sham redundancy

Rentplus UK Ltd v Coulson (EAT) [2022]

Ms Coulson was employed by Rentplus UK Ltd (Rentplus) in a senior role. A redundancy process was initiated in 2018 and Ms Coulson was made redundant. Prior to her dismissal, she raised a grievance in which she complained her role was not actually redundant as the number of staff increased after the reorganisation and that she felt she had been marginalised and "frozen out" by the new CEO. Ms Coulson's grievance was not upheld and she subsequently brought claims of unfair dismissal and sex discrimination.

Decision

The ET held Ms Coulson was successful in her claims for unfair dismissal and sex discrimination. The ET held that as redundancy was not the real reason for Ms Coulson's dismissal (the reason was sex discrimination), the ACAS code on disciplinary and grievance procedures applied and therefore a 25% uplift should be awarded. Rentplus appealed the decision to the EAT on the basis the ACAS Code did not apply to redundancy situations.

The EAT upheld the ET's decision and dismissed the appeal, noting as both the redundancy dismissal and grievance processes had been a sham, the ACAS code did apply and the ET was entitled to award an uplift to the award.

Comment
Tribunals will look behind the reason for a dismissal, regardless of what it has been categorised as. If employers are unsure whether the ACAS code applies, they should err on the side of caution by ensuring any procedure aligns with the provisions of the code.

Does an employee have any recourse against an employer after taking voluntary redundancy?

White v HC-One Oval Ltd (EAT) [2022]

Care home operator, HC-One Oval Ltd announced it was reducing the number of employees carrying out reception and administrative work. Ms White was provisionally selected for redundancy and subsequently requested voluntary redundancy which was accepted.

After termination of her employment, Ms White submitted a claim for unfair dismissal. She alleged that she had previously raised a grievance about having to cover duties of absent colleagues without pay and she felt this was a factor in the decision to provisionally select her for redundancy. She also alleged that a receptionist with no childcare responsibilities had been recruited into a full-time role shortly before the redundancy process began, whilst the two part-time receptionists had been dismissed. Ms White believed the redundancy was a sham and manufactured to achieve this result.

Decision
At first instance, the ET dismissed Ms White's claim on the basis it had "no reasonable prospect of success" because Ms White herself had requested redundancy. Ms White appealed the decision.

The EAT held that if the ET had engaged with Ms White's case and accepted her case, the facts known to the decision maker might have been found to include other matters other than just Ms White's voluntary redundancy request. Even if the Tribunal were satisfied that redundancy was a fair reason for dismissal, they still needed to consider the fairness of the process. The case was remitted to the ET for consideration by a different judge.

Comment
This case serves as a useful reminder to employers that those who take (and even request) voluntary redundancy may bring a claim of unfair dismissal.

UK GDPR

ICO issue £4.4 million fine for breach of UK GDPR

Interserve Group £4.4 million after cyber-attack in 2020 resulted in the personal data of 113,000 of its current and former employees being compromised. Interserve suffered cyber-attack in 2020. An Interserve employee who was working from home forwarded a phishing email to another employee, who opened the email and downloaded the contents. The download resulted in malware being installed on the employee's workstation.

Interserve's systems quarantined the malware but failed to conduct a sufficient investigation. The hacker gained access to 283 systems and 16 accounts including 4 HR databases including details of NI numbers, bank accounts and special category data.

ICO held the company had failed to follow up the original alert, used outdated systems and protocols and had a lack of adequate staff training and insufficient risk assessments.

Consequently, Interserve failed to put appropriate technical and organisational measures in place to prevent the unauthorised access of people's information (a key principle of UK GDPR).

Takeaway Point: The ICO declared that the biggest cyber risk to businesses is internal complacency and not necessarily external actors. Employers should ensure they refresh cyber security training for employees at all levels, ensure it is kept under review and updated and ensure IT infrastructure and operating systems are checked and updated regularly

Section B: Future developments Agency workers during strike: seeking permission for judicial review

On 21 July, the Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2022 came into force. The Regulations revoke regulation 7 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (SI 2003/3319), which had prohibited employment businesses from supplying temporary workers to undertake duties normally performed by a worker who is on strike or taking official industrial action, or the duties normally performed by any other worker who has been assigned to cover a striking worker. Accordingly, employers are now able to engage agency workers to replace workers who are on strike.

Takeaway Point: Practical issues for employers to consider when contemplating engaging agency workers: use of agency workers exasperating the underlying industrial dispute, whether agencies themselves may be concerned about and consequently not want to supply workers in the context of industrial action, whether agency workers will want to cross the picket line, availability of agency workers for specific types of work

IR35 U-turn

The IR35 rules were due to be repealed in April 2023; however, this has been scrapped. This means that end users of contractors engaged through the contractor's personal service company will still be responsible for assessing whether the contractor should be taxed as an employee by the end user.

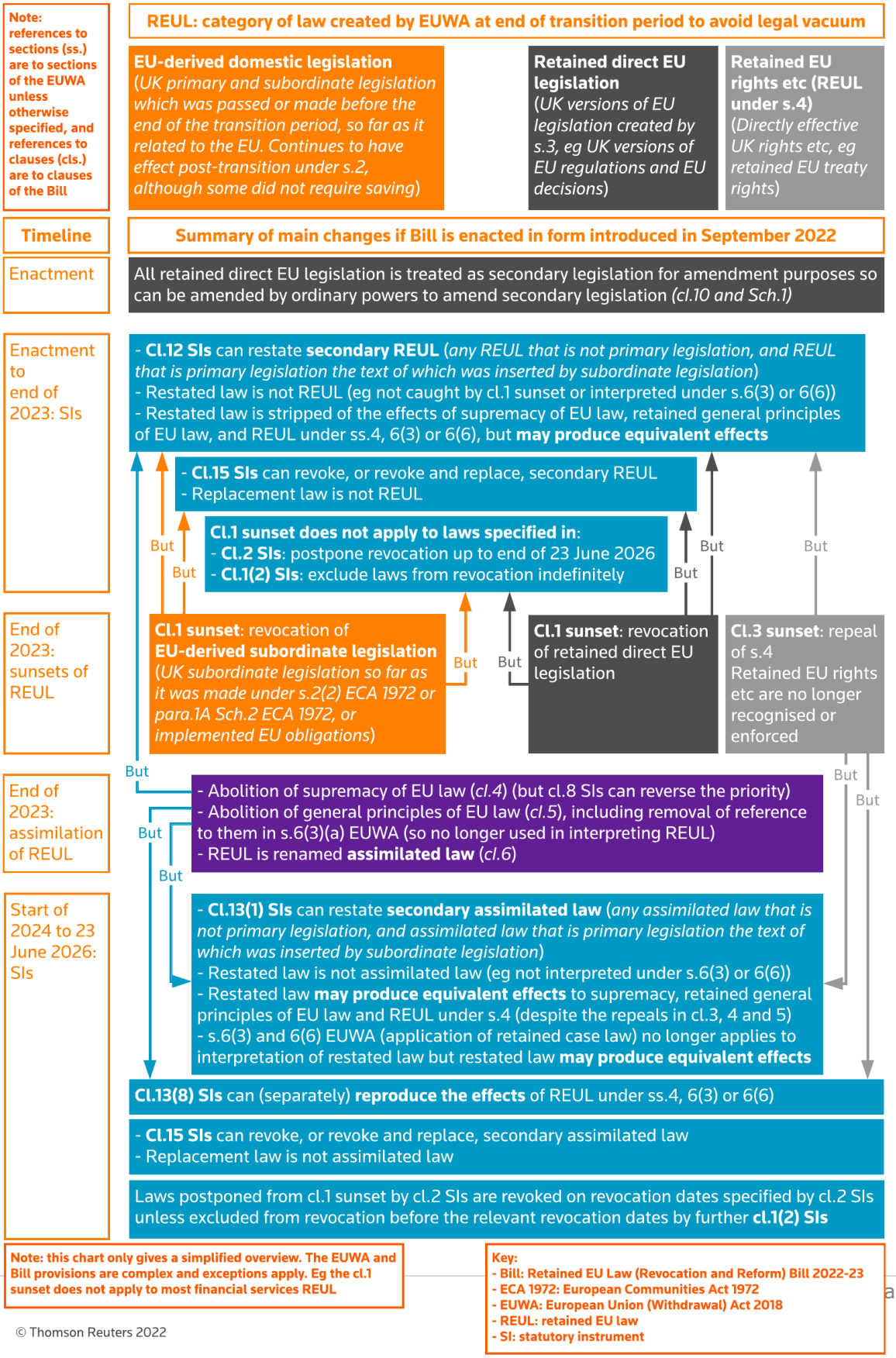
The Retained EU Law (Revocation and Reform) Bill 2022

Introduced to the House of Commons on 22 September 2022. This Bill makes provision for significant changes to the current status and operation of retained EU law, including through amendments to the European Union (Withdrawal) Act 2018 (EUWA). It includes provisions to:

- Revoke EU-derived subordinate legislation and retained direct EU legislation at the end of 2023, but also includes a power to preserve specified instruments or provisions, and a power to extend the revocation date of specified instruments or a specified description of legislation to 23 June 2026 at the latest.
- Repeal section 4 of the EUWA at the end of 2023. (Retained EU law under section 4 currently includes directly effective rights and obligations derived from EU treaties and EU directives.) However, the Bill also includes powers to reproduce the effect of anything which is or was retained EU law by virtue of section 4 of the EUWA.

- Replace some of the provisions in section 5 of the EUWA with new provisions which provide that, after the end of 2023, the principle of the supremacy of EU law is not part of domestic law, and which give domestic enactments priority over retained direct EU legislation. However, regulations made under clause 8(1) of the Bill can reverse the order of priority for specified legislation, returning precedence to retained direct EU legislation.
- Remove from UK law the effects of general principles of EU law from the end of 2023. The Bill also includes powers to restate legislation to produce an effect equivalent to retained general principles of EU law.
- Rename retained EU law "assimilated law" after the end of 2023. The Bill also includes a power to amend the EUWA to change references to "retained EU law" to "assimilated law", and to rename other bodies of law referred to in the EUWA such as retained direct EU legislation and retained case law.

Practical Law
Retained EU Law (Revocation and Reform) Bill overview



Review of hybrid and distance working - Tax

On 27 July 2022, the Office of Tax Simplification (OTS) published a scoping document of its review of hybrid and distance working focusing on practices including home working, hybrid arrangements, employees working overseas for UK employers and employees working in the UK for overseas employers. Income tax, NICs and corporation tax was the focus.

On 31 August 2022, the OTS published a call for evidence and a survey to inform the review.

In the 2022 Autumn Statement on 23 September 2022, the government announced that the OTS would be wound down and, on 27 September 2022, the deadline for responses to the call for evidence was brought forward to 28 October 2022.

On 17 November 2022, the OTS announced that the findings from the review would be published before the end of the year and that it would not undertake any further work (given the impending closure of the OTS).

Day one right for flexible working

On 19 December 2019, the Queen's Speech announced a new Employment Bill which would contain the right, subject to consultation, for flexible working to be the default position unless an employer has a good reason.

In May 2021, the government said it would introduce an Employment Bill "when parliamentary time allows". It also stated that the government would consult on making flexible working the default position and removing the 26-week service requirement for making a flexible working request, with a consultation to be issued in due course.

The consultation document, Making Flexible Working the Default, was published on 23 September 2021, proposing various reforms to the existing right to request flexible working. The proposals did not extend to an automatic right for employees to work flexibly. Rather, they included a number of measures to broaden the scope of the right, while retaining the basic system involving a conversation between employer and employee about how to balance work requirements and individual needs. The main change would be removing the requirement for 26 weeks' qualifying service, making the right a "day one" right for employees. The consultation also considered whether changes need to be made to the eight business reasons for refusing a request, or to the procedure. The consultation sought views on whether the employer should be required to suggest alternatives to the arrangement put forward by the employee, instead of rejecting a request outright. The government confirmed that it had decided not to proceed with the proposal to introduce a requirement for large employers to publish their flexible working policies. The consultation closed on 1 December 2021.

On 28 October 2022, at the second reading debate, it was confirmed that the government is supporting the Employment Relations (Flexible Working) Bill 2022-23, a Private Members' Bill. The Bill does not contain a "day one" right to request flexible working. At the second reading debate, Yasmin Qureshi MP, who brought forward the Bill, explained that her understanding was that the day one right would be introduced by means of secondary legislation once the Bill is passed. Kevin Hollinrake MP, Parliamentary Under-Secretary for BEIS, did not confirm this, but said that the day one right is a key part of the policy package and the government will respond fully when it responds to the consultation.

Consultation on reform of post-termination non-compete clauses in employment contracts

On 4 December 2020, BEIS opened a consultation on measures to reform post-termination non-compete clauses in employment contracts, including banning them altogether. The consultation closed on 26 February 2021. There is no known timescale for the government's response!

Protection from Redundancy (Pregnancy and Family Leave) Bill

Following a government consultation in 2019, evidence revealed that an estimated 54,000 women per year felt they had to leave their jobs due to pregnancy or maternity discrimination.

Currently, an individual on maternity leave (or shared parental or adoption leave) takes priority in the search for suitable alternative employment if their role is to be made redundant. Failure to do so may result in the employee bringing a claim of unfair dismissal on the basis the dismissal was not procedurally fair. The Protection from Redundancy (Pregnancy and Family Leave) Bill would allow regulations to be extended to provide protection to those who are pregnant and to those who have recently returned from a period of family leave. It has been indicated that the period of protection will extend from when a woman tells their employer they are pregnant or have been matched with a child, until 18 months after the birth or adoption.

Employment and EAT judges to be addressed as "judge" with immediate effect

On 1 December 2022, the Lord Chief Justice and the Senior President of Tribunals announced that employment judges and judges sitting in the EAT should be addressed in hearings as "judge" rather than "Sir" or "Madam" with immediate effect.

The announcement states that the move away from "Sir" or "Madam" involves modern and simple terminology, reflecting the important judicial role while maintaining the necessary degree of respect. It is hoped that the change in language will help litigants in person involved in tribunal proceedings. Non-legal members of the tribunal should continue to be addressed as "Sir" or "Madam".

The change only affects the way in which judges are addressed during a hearing. It does not affect judicial titles or the way in which judges record their decisions. Relevant guidance will be changed as appropriate, where it has not already been updated.

Policies – what do you need?

Many organisations have many policy documents that are published in a handbook or intranet site. It is often the case that they are not reviewed, irrelevant and often unnecessary for the business.

Set out below is a list of policies which we typically see.

Required by law	**Strong legal reasons for including**

Disciplinary procedures and rules (if not in contract/section 1 statement)	Bribery
Grievance procedures (if not in contract/section 1 statement)	Anti-facilitation of tax evasion (in some cases)
Information about pensions (if not in contract/section 1 statement)	Equal opportunities
Health and safety (if 5 or more employees)	Data protection
Whistleblowing (in some cases)	Whistleblowing

Equal opportunities
Anti-harassment and bullying policy (long form) and Anti-harassment and bullying policy.
Equal opportunities policy (long form) and Equal opportunities policy. Gender identity policy.

Day to day working arrangements
Adverse weather and travel disruption policy.
Bring your own device to work (BYOD) policy.
CCTV policy.
Data protection policy (UK), UK GDPR Privacy notice for employees, workers and contractors and UK GDPR Candidate privacy notice.
Data retention policy (UK).
Dress code policy.
Expenses policy.
Flexible working policy
Flexi-time policy.
Homeworking policy.
Hybrid working policy.
IT and communications systems policy and IT and communication systems policy. Social media policy (UK) and Company guidelines for use of social media.

Sickness, health and safety
COVID-19 vaccination policy.
Domestic abuse policy
Health and safety policy.
Menopause policy.
No-smoking policy.
Sickness absence policy
Stress and mental wellbeing at work policy.
Substance misuse policy.

Preventing and reporting malpractice and risk Anti-corruption and bribery policy.
Anti-slavery and human trafficking policy.
Anti-facilitation of tax evasion policy.
Conflicts of interest policy.
Gifts and hospitality policy.
Whistleblowing policy.

Discipline, performance management and grievances
Capability procedure.
Disciplinary procedure and Disciplinary and capability procedure. Disciplinary rules.
Grievance procedure

Leave entitlements Adoption policy.
Compassionate leave policy.
Career break policy.
Holidays policy.
IVF and assisted conception policy**.**
Maternity policy.
Parental leave policy.
Paternity policy.
Shared parental leave (birth) policy.
Shared parental leave (adoption) policy.
Time off for antenatal appointments policy.
Time off for adoption appointments policy Time off for dependants policy.
Time off for public duties.
Time off for training policy (for employers with 250+ employees).

Termination of employment Redundancy policy.
Retirement policy for employers with a fixed retirement age and Retirement policy for employers with no fixed retirement age.

standing and qualification. A list of members is available at the registered office 5-6 Northumberland Buildings, Queen Square, Bath BA1 2JE. Information contained in this communication does not constitute legal advice. All statements are applicable to the laws of England and Wales only.