

Welcome to Stephenson's quarterly employment newsletter where you can find the latest employment law news, tips and advice for HR professionals and company owners to keep your business up-to-date and compliant with employment law.

If you require further information about any of our employment and HR services please visit [our website](#), [email us](#) or call 0333 344 4771.



Philip Richardson
Head of Employment Law

Are your social media policies clear and up-to-date?

Social media has expanded rapidly over recent years, allowing individuals and businesses to communicate with a large audience. But, where is the line between posting on social media as a representative of your company and as a private individual?

Employment tribunals have seen people lose their jobs over comments they have made on social media as they are unaware of the consequences of making derogatory comments about their employer or colleagues.

It is important that your employees are aware of how you wish them to conduct themselves on social media and so having properly drafted social media policies that are clear and up-to-date could help to avoid any disputes.



[Read more](#)

At Stephenson's we offer [HR support](#) to help businesses [plan](#) and [protect](#) themselves from employee disputes. We can help to review and draft your policies and procedures to ensure that they are up-to-date and compliant with the law. If your business requires support call our expert employment law team on 0333 344 4771 or [email us](#), making sure to leave contact details and we will contact you as soon as possible.



What does the law say on employee rights and temperature in the workplace?

We had a taste of summer last week during the heatwave and while temperatures may have started to subside summer has only just started and hopefully the good weather will return soon.

Working in both hot and cold conditions can be difficult and extreme temperatures can impact on employees' performance. As an employer it is important to carry out health and safety risk assessments and ensure that the temperature inside the workplace is 'reasonable'.

What does the law say?

Our employment law team offer a fixed fee package, [HR Assist](#), for small businesses which includes HR support and health and safety guidance all for an annual fee of £750 plus VAT. If you sign up to HR Assist you will have access to a health and safety specialist who can provide initial sign posting guidance on the health and safety issues faced by your business.

Businesses with pro-active health and safety practices are associated with improved and increased performance and morale and less absences.

If you would like to know more about our HR Assist package or would like to sign your company up please call us on 0333 344 4771 or [email us](#), making sure to leave your contact details, and we will be in touch with you as soon as possible.

Are workers entitled to the national minimum wage when 'on-call'?

A recent decision in the Employment Appeal Tribunal (EAT) stated that whether or not workers are entitled to the national minimum wage when 'on-call' or sleeping at work 'depends'.

The EAT confirmed that the following factors can assist in determining whether a person is working (and therefore entitled to be paid) by simply being present:

1. The **employer's reason** for engaging the worker. For example, if the employer is legally required to have someone present when the worker is present, this might help establish the extent to which the worker is actually working.

2. The extent to which the ***worker's activities are restricted*** by the requirement to be present and at the disposal of the employer may be relevant. For example, if a security officer is required to remain on the premises throughout their shift and leaving earlier could result in disciplinary action, the time spent on site is likely to be considered as working time.
3. The degree of ***responsibility*** undertaken by the worker may be relevant. For example a night sleeper in a home for the disabled where greater responsibility is placed on the worker who is expected to perform duties during the night.
4. The degree of ***urgency*** to provide the services in response to an emergency may be relevant. For example an on-call plumber in contrast to a vehicle recovery driver. It may be relevant to determine whether the worker is the person who decides whether to assist and then assists when necessary, or whether the worker is woken as and when needed by another worker with immediate responsibility for assisting.

The decision shows just how hard it is for employers to determine the correct rate of pay for on-call or sleeping worker. If employers get this wrong they could be exposing themselves to not only civil sanctions in the employment tribunal but criminal ones also.

If you engage workers who are 'on-call' or sleep on site and are unsure as to what those workers' rights may be, do not hesitate to contact our specialist team on 0333 344 4771 or [email us](#) and we will be in touch with you.

Employment law facts and figures 2017

Employment law changes at a fast pace, making it challenging to stay up to date. As an employer it is in your best interests to ensure that your business is up to date with the latest employment laws and guidance in order to avoid potential disputes with employees.

[Download our PDF](#) for up to date information on statutory leave entitlements, notice periods, rest periods and more.

Follow us on social media for all our legal updates and comments on breaking news:

