

Task Three - Guidance document

As a healthcare organisation, the owners of Healthcare on Hand are keen to support wellbeing at work. They have some concerns about work-life balance as their employees start work early, work evenings and weekends, in addition to providing healthcare support during weekdays. The owners are keen to comply with relevant legislation and aim to provide their employees with work-life balance. The clients of Healthcare on Hand are diverse, and the owners feel the diversity of their workforce should also reflect their client population but think there might be more to diversity than this.

Now the organisation has grown and the owners cannot be involved in all day-to-days issues, line managers will take more responsibility for employment relations matters. Your manager asks you to produce a guidance document to provide the owners and managers at Healthcare on Hand with a fundamental understanding of employment legislation and organisational practices.

The guidance document must include:

- An explanation of the importance of achieving work-life balance within the employment relationship with an overview of the regulations relevant to work-life balance. (AC 3.1)
- An explanation of what is meant by, and the importance of, wellbeing in the workplace. (AC 3.2)
- A summary of the main points of discrimination legislation. (AC 3.3)
- An explanation of what diversity and inclusion mean and why they are important. (AC 3.4)
- An explanation of the difference between fair and unfair dismissal. (AC 3.5)

Guidance Document – Healthcare on Hand

As Healthcare on Hand continues to grow and develop, it is crucial that line managers understand well-being at work and how they can help their employees achieve this. The sole purpose of this document is designed to be a guide to help provide line managers with an understanding of the importance of maintaining a healthy work-life balance, wellbeing at work, diversity and inclusion in the workplace, and the difference between fair and unfair dismissal. After reading this, line managers should be up to date with the correct legislation surrounding well being at work, have a better understanding of what they can do to help support the business and their employees and should strive to always follow this.

The importance of achieving work-life balance within the employment relationship with an overview of the regulations relevant to work-life balance.
(AC 3.1)

According to Noon and Blyton, (2007), referenced in Waite et al, work life balance is the ability for employees to pursue their work and non-work lives successfully without pressure from one undermining the other. Research carried out by HR Services Scotland, (2018), suggest that following the Flexible Working Regulations Legislation 2014 is the key to an effective work life balance. They explain that nine to five working is no longer the norm in society with surveys showing that only 6% of employees currently work those hours, with more than two thirds of those surveyed explaining they would rather start work earlier and finish earlier. McCartney, (2018), explains that organisations that promote and offer flexible working arrangements are more likely to have a diverse workforce and obtain and retain talents they need for their organisation to be successful. Instead of line managers seeing flexible working as a negative challenge, they should learn to look at it as an opportunity to gain the best out of their employees. By promoting and accepting flexible working, there can be many factors that can be beneficial to both the employee and the organisation such as, decreased chance of burn out, stress, workload and increased profit. Waite et al (2021), explains how if not managed carefully overworked employees are more likely to make mistakes which could end up being detrimental to an organisation. Having policies related to work life balance, which could include the correct and up to date legislation for managers and employees to follow, could help contribute to achieving a work life balance that is beneficial and healthy to both parties.

An explanation of what is meant by, and the importance of, wellbeing in the workplace. (AC 3.2)

According to the CIPD there should be at least seven factors that should be considered for effective wellbeing at work. These are, health, good work, values, employee voice, career development, good lifestyle choices and financial well-being. By having an effective wellbeing programme in your organisation, can benefit resilience, employee engagement, higher performance and productivity, as supported by the CIPD (2022). They describe wellbeing in the workplace as creating a workplace environment that promotes contentment, which can be beneficial to both the organisation and the employee. The CIPD's Health and Well-being at Work report, (2020), found that stress related absence was increasing linking this to heavy workloads. Therefore, it is crucial that line managers are aware of the status they have within an organisation and understand that they are looked at as role models in creating positive workplace environments. By forming positive relationships with their employees, line managers will be able to spot the early signs of wellbeing being strained, which could help in implementing management initiatives for wellbeing in work. A case study referenced in Waite et al (2021), explains that having an Employee Assistance Programme for your organisation, could help employees around the clock confidentially either online, over the telephone or in face-to-face counselling with any physical, emotional or financial struggles that employees could be facing. ACAS (2023), provides a framework for managing positive health at work and highlights the importance of employers creating the conditions to support positive well being which includes putting in place wellbeing strategies, providing resources and training for managers.

A summary of the main points of discrimination legislation. (AC 3.3)

The Equality Act (2010) brought together numerous different acts to protect everybody against discrimination within the workplace. This act sets out nine 'protected characteristics', as supported by GOV UK (2015), which are:

- Age.
- Disability.
- Gender Reassignment.

- Marriage and Civil Partnership.
- Pregnancy and Maternity.
- Sex.
- Religion or belief.
- Sex.
- Sexual Orientation.

It is important to note that The Equality Act 2010, lists four types of discrimination which are also highlighted by ACAS (2023), these are:

- Direct discrimination – This is when someone is treated less favourably due to a protected characteristic under the Equality Act 2010. An example of this would be, treating an employee less favourably because they have a disability.
- Indirect discrimination – This is when there are working conditions or rules in place that puts an employee with a protected characteristic at a disadvantage. An example of this would be, not allowing employees to use the toilet facilities during specific times, however, you may have an employee who is pregnant.
- Harassment – This is defined by law as when any unwanted or offensive behaviour is taking place in relation to any of the protected characteristics. An example of this would be, making somebody feel humiliated or intimidated because of their sexual orientation.
- Victimisation – This is when someone is treated unfavourably due to the person being involved in a discrimination complaint. An example of this could be, an employer treating someone unfavourably because they defended their colleague in a harassment claim.

An explanation of what diversity and inclusion mean and why they are important. (AC 3.4)

To be able to achieve real life business benefits, it is crucial that organisations embrace and promote a diverse and inclusive workplace. This is supported by Waite et al (2021), who explains that in order to succeed in a competitive market, organisations must support this. McKinsey and Co (2022), define diversity as those who are represented in the workforce and inclusion is defined on how the organisation embraces these and enables them to contribute to meaningful change. Ensuring you have a diverse and inclusive workforce is important as this can prove to be beneficial in many ways. These can include, retaining talent, employee engagement, enhanced productivity, reputation, and business results. The CIPD (2019), gives recommendations on how organisations can help manage diversity and inclusion in the workplace. They suggest that collecting data from consenting employees could help locate flaws and highlight the progress that the organisation needs to make. Line managers should be seeking advice and help from people professionals and support them by addressing sensitive issues within the workplace. Organisations should invest in tailoring out training to line managers and different groups of people, which should be continually evaluated to assess the effectiveness of the specific training.

An explanation of the difference between fair and unfair dismissal. (AC 3.5)

In organisations, situations or circumstances may occur where an employer must terminate an employment contract, this is known as a dismissal. Under the Employment Rights Act 1996, there are five potential reasons that are listed as reasons for fair dismissal. These can be due

to conduct, redundancy, capability or qualifications, legal restriction or statutory ban or for some other substantial reason. However, Waite et al (2021), notes that in circumstances where an employer dismisses an employee for some other substantial reason, there needs to be a fair reason, such as, misrepresenting facts to procure employment. Gwilliam, (2021), provides examples for employers on how they would dismiss fairly. One example of this would be, if an employer was looking to dismiss an employee on the grounds of misconduct, they would need to prove they genuinely believed that the employee was guilty of misconduct, and that they formed these beliefs after a genuine and thorough investigation was conducted. GOV.UK (2023), defines unfair dismissal as when an employer does not have a fair reason for dismissing an employee, such as for being pregnant or on maternity leave, asking for a legal right or wanting to take family leave. However, an unfair dismissal is not just because of the reason, if an employer does not follow their organisations dismissal procedures, they can be taken to an employment tribunal where they would have to prove they followed the correct procedures if a claim was made. It is important to note that even if an employer has a fair reason to dismiss an employee, it is only a fair dismissal if the employer acts reasonably during the dismissal process. Organisations should set out their dismissal and disciplinary regulations in writing, otherwise a tribunal can order an organisation to pay an employee compensation.

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