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Legal rights respected - What the experts say

Nathan Vidini, AltraLaw has advice on how you can ensure you are a lawful and ethical employer.

First published: 18 April 2024

Last updated: 18 April 2024

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Respecting legal rights in the workplace is something that all businesses should be adhering to. However, for good employers, it should not just be about what is unlawful, it should be about what is unethical too. As a specialist in employment law and the founder of AltraLaw, the UK's first not-for-profit law firm, I am proud to say that we champion the causes of people who need to have their voices heard when faced with problems at work. We are therefore placed well to help businesses understand best practices to avoid workplace disputes and expensive and time-consuming litigation.

Different actions of businesses can be unlawful, whereas other things that businesses do can generally be considered unfair or unethical. There are certain quintessential legal rights that you need to have in mind as an employer to ensure sure that employees are treated lawfully and fairly.

At this point, some businesses may be asking, 'What are the legal rights in the workplace?' In the UK, from day one all employees have a legal right not to be discriminated against.

There are nine different protected characteristics that the Equality Act covers. Employees also have a right to not suffer detriments as a whistle blower, such as losing your job, being bullied, ostracised, or not being promoted.

There is an extensive list of different rights and all these legal rights are about what an employer should not do. I have seen solicitors promise that if you buy their HR Policies, you will ensure you are legally compliant with UK Employment law. That is not the case. Having policies is one thing; adhering to them is essential too.

Good employers go further than this and the idea of respecting legal rights in the workplace encapsulates a wider philosophy of treating people fairly. So, how do you do this?

Principally, employees must have the ability to raise issues at work without the fear of ramification. Empowering staff to speak out and to feel that they can do that

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without negative consequences is key to ensuring you promote a fair working environment.

By adopting a Fair Work focus in the workplace, you will find that your employees become a more engaged, happier and healthier workforce which leads them to be more productive, more efficient and more cost-effective, resulting in increased profit and growth for your business. It also leads to less disputes and less management time being spent dealing with employee issues.

Every workplace is unique, there is no magic formula that you can adopt to automatically fulfil Fair Work practices, but ingraining a positive culture where employees are not afraid to speak out is key. Everyone must be respected, there should not be a “them and us” mentality, but rather a mindset of “we are all in this together and we are all trying to achieve a common goal.” However, there are some key areas and actions businesses can take to start the process.

Firstly, issues should be voiced openly and debated. If someone has an idea, there should be no hierarchy. You need hierarchies when it comes to the delegation of tasks and direction of the business, but there is no monopoly on good ideas, and everyone should have an equal voice. For example, new people coming in and seeing things afresh are often the best people to say: “Why not try it this way?”

Secondly, when issues are raised, no matter how trivial they may seem, you must act and do so promptly. One of the biggest problems I find is people sitting on things for too long. If someone raises a grievance about being bullied and it is not dealt with within a week or two, they will probably end up on sickness absence and it is then pushed to the bottom of the pile. Three months down the line, that employee is on half pay or no pay and is suffering economically, but because the employer is not doing anything about the aggravating factor, the problem gets bigger and bigger. In most instances, this leads to disputes and frequently litigation which, I hope I do not have to say, is bad for business.

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Finally, depending on what stage of development you are in at your workplace, you may find that there is a historically toxic culture. As a result, you will want to ingrain within your employees a new, positive culture for everyone. SMEs are in a good position, in the sense that they generally have few employees, and are therefore able to set out clearly, from the start, their business values and how everyone should be treated.

The key here is that every workplace is different, but for you to know what is best for your workplace, you need some guidance. There are business advisors within the Welsh Government and Business Wales who can support business owners on their Fair Work journey.

As we look ahead, it is clear to see that developments in relation to workplace culture and expectations of employees are continually changing. The best employees react to trends which are dictated by the market. In other words, listening to your existing employees is the best way to understand how to attract new employees. You should treat them like a customer or client: What motivates them? What do they need to thrive in the workplace? What incentivises them to be in work?

Generation X and Z expect different things to other generations in the workforce. In the past few years, employee wellbeing has been more of a focus than salary, which includes ensuring that employees feel like they are contributing to something ‘good’. Reward is much more than financial. As a result, a ‘purpose driven’ approach to workplaces and employee wellbeing is vital for employers to ensure future attraction, engagement and retention of staff.

Recently, there has also been significant changes in the hybrid working approach to employment. Hybrid working is not a legal right, but it seems that employees have dictated the way that employers need to do things. Since the pandemic, employees feel it is their right to work from home if they want to work in a hybrid way, and employees are leaving workplaces that do not accommodate that level of flexible work.

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In terms of the future, respect and inclusivity in the workplace are key focuses, especially in areas such as neurodiversity. There have also been discussions over new protections such as employees going through the menopause. It should not have to become law for a good employer to put relevant policies in place.

The “Me Too” movement and the Black Lives Matters movement showed us that standing next to the historically discriminated against minorities is a positive thing for everyone to do in society. Employers are following this in their workplaces, as they should, because workplaces are made of people, and people live in society.

I also think we will see more training for managers on conflict resolution, that is something we do at AltraLaw – train our managers in soft skills. We also offer training to other businesses on essential skills, such as communication, at a cost to suit all businesses as we want to see more workplaces where people can thrive.

Training is important because good employees do not necessarily make good managers. We see people within the workforce being promoted on the basis of how well they do their job, however, managers need to be good at managing people which may be very different from their previous role. But that is the historical way within a work culture that most employers deem that people can be promoted.

Ultimately, employers need to address the question of whether employees are being provided with everything they need for them to succeed in their roles.

At AltraLaw, we adopt Fair Work practices to ensure our employees are as happy as possible and feel as though they are part of a business that is making a positive difference. Communication, transparency and a values-based approach are key.

As the UK’s first not-for-profit law firm, we donate all of our profits to charities; those charities are chosen by our clients and referrers. Our ‘value-based’ approach ensures we attract and retain employees who share our values and purpose. You need to ask yourself why employees should decide to work for you and not a competitor. These days, it is not enough to simply pay more.

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If it was not for your employees, your business would not be what it is today, your customers would not be served and your products would not be made. They are absolutely key. Employees are your business, so keeping employees happy and fulfilled at work through creating a nurturing and supportive environment is essential.

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