

# EmployNet update

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## Managers pressured to behave unethically at work



Three managers in five have been expected to behave unethically at some point in their career, according to research published today by the Institute of Leadership and Management (ILM) and Business in the Community (BITC).

According to the findings, almost 1 in 10 said they had been asked to break the law at work, and 1 in 10 also said they have left jobs as a result of being asked to do

something at work that made them feel uncomfortable.

The survey, of more than 1,000 UK managers from the private and public sectors, found 93% of respondents' organisations had a values statement. However, 43% of respondents said they had been pressured to behave in direct violation of it, with 12% of managers saying the correlation between employee behaviour and company values was not at all close in their organisation.

In addition, more than a quarter of respondents said they were concerned their career would suffer if they were to report an ethical breach, with whistleblowing fears higher amongst junior managers than directors.

Charles Elvin, chief executive of the ILM, said, "Business ethics have come under increased public scrutiny in recent years, but our research highlights just how many people are still facing ethical conflicts at work."

While Stephen Howard, chief executive of Business in the Community, said, "Cultural change is not something that can be instilled in organisations overnight, but this research indicates where some of the key pressure points lie. The importance of junior and middle managers in setting an organisation's ethical tone cannot be overestimated - they often feel squeezed and are sceptical about how well corporate values relate to their own, are relevant to their work, or are demonstrated by their colleagues.

"Business leaders must make sure that managers throughout their organisation are involved in the creation of values and understand how those values apply to their day-to-day work."

## Meet the team



**Rosa Brennan - Partner**  
E: [rosa.brennan@cwj.co.uk](mailto:rosa.brennan@cwj.co.uk)  
T: 01689 887872



**Pritti Bajaria - Associate**  
E: [pritti.bajaria@cwj.co.uk](mailto:pritti.bajaria@cwj.co.uk)  
T: 01689 887846



**Henry Doswell - Associate**  
E: [henry.doswell@cwj.co.uk](mailto:henry.doswell@cwj.co.uk)  
T: 01689 887853



**Yasmin Awan - Solicitor**  
E: [yasmin.awan@cwj.co.uk](mailto:yasmin.awan@cwj.co.uk)  
T: 01689 887805



**Jenny Hawrot - Solicitor**  
E: [jenny.hawrot@cwj.co.uk](mailto:jenny.hawrot@cwj.co.uk)  
T: 01689 887857



**Rachel Hearn - Solicitor**  
E: [rachel.hearn@cwj.co.uk](mailto:rachel.hearn@cwj.co.uk)  
T: 01689 887834



**Clarkson Wright & Jakes Ltd**  
Solicitors and Notaries

**Clarkson Wright & Jakes Ltd**  
Valiant House, 12 Knoll Rise, Orpington, Kent, BR6 0PG  
Tel: 01689 887887 Fax: 01689 887888  
[www.cwj.co.uk](http://www.cwj.co.uk)

## UNISON brings legal challenge to employment tribunal fees

UNISON has confirmed that it is making an application to the High Court to challenge the introduction of fees in the employment tribunal system. This is a judicial review of the Ministry of Justice's decision to introduce employment tribunal and Employment Appeal Tribunal fees from 29 July 2013.

UNISON argues that these charges will make it 'virtually impossible' for workers to exercise their employment rights.

Fees start at £160 rising to £250 to issue a claim depending on the type.

## ONS figures show older employees choose to stay in work

ONS figures show the number of over-65s in work is at its highest level since records began in 1992. Almost 1 in 10 are currently employed.

Institute for Employment Studies (IES) Director of Research, Jim Hillage, said: "The number of employed people aged 65 or over has reached 1,003,000. While this reflects a willingness among employers to recruit and retain experienced people, it may also reflect the need that some older people have to top up inadequate pension arrangements."

## Zero hours contracts to be examined by Government amid concerns of misuse by some employers

The Department for Business, Innovation & Skills said it aimed to better understand the issues around zero hours contracts, where workers are paid only for the hours worked. Government officials will be speaking to a variety of stakeholders, including trade unions and industry bodies representing sectors where zero hours contracts are most in use.

Business secretary Vince Cable said: "While it's important our workforce remains flexible, it is equally important that it is treated fairly."

## Four changes to whistleblowing laws all employers need to know

Important changes to the law on whistleblowing took effect on 25th June 2013. Here is our easy 4-step guide to updating your policy:

- 1. Ensure that your whistleblowing policy covers protected disclosures made "in the public interest"** - A "qualifying disclosure" now means any disclosure of information that, in the reasonable belief of the worker, is made in the public interest. In line with this employers should amend the section of their whistleblowing policy that explains what constitutes a protected disclosure.
- 2. Remove the requirement in your whistleblowing policy that disclosures must be made "in good faith"** - The requirement that a whistleblower make a qualifying disclosure "in good faith" has been removed.
- 3. Clarify that complaints about breaches of employees' own contracts of employment should be raised as a grievance** - The new "public interest" requirement means employees are precluded from being able to "blow the whistle" about breaches of their own employment contract. However, an employee can still make such a complaint through the employer's grievance procedure.
- 4. Make sure that other employees do not mistreat whistleblowers** - Whistleblowers are protected from suffering bullying or harassment from another employee.

For more information on creating or updating your whistleblowing policy, get in touch with our firm.

## Revised code of practice on settlement agreements published

Ahead of the implementation of the new regime for settlement agreements, the Acas code of practice has been published in its final form. This is a statutory code of practice, not just guidance.

The Government has indicated its intention to bring the new Code and provisions on settlement agreements into effect by this summer. **The key points include:**

- The protection given to pre-termination settlement negotiations only applies "to the extent that the tribunal considers just". The code gives examples of improper behaviour, including harassment, discrimination on the grounds of a protected characteristic & threats by the employee to undermine the employers' reputation.
- Protection does not extend to other claims such as discrimination and the initial discussion/offer can now be oral rather than written.
- It provides for employees to be accompanied at meetings – as a matter of good practice, not a statutory right, and an employee is given 10 rather than 7 days to consider the proposed settlement.

For further information, go to <http://www.acas.org.uk>.

## UK workers' unhealthy lifestyles are a 'ticking time bomb', research finds

British employees are shortening their lives by more than four years due to unhealthy lifestyle choices, new research by health insurer PruHealth and consultancy Mercer has found.

According to the report, 31% of UK employees have 3 or more risk factors, putting them at serious risk of ill health. The most prevalent risks are lack of physical activity and being overweight. Men aged between 40 and 49 years old were found to be most at risk.

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Further, together