

# Report

Report to:	<b>Executive Committee</b>
Date of Meeting:	<b>21 September 2022</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>New Deal for Employees</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ seek approval for changes proposed for employees which provide additional support, recognising the difficult circumstances employees are currently in

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the changes in terms and conditions to support families and individuals identified at Section 4 be approved;
- (2) that the Council approve the Right to Disconnect policy for employees;
- (3) that the Council agree to sign up to the Pregnancy Loss Pledge;
- (4) that, subject to no additional annual leave day being granted in 2022 through pay negotiations, a wellbeing day be allocated to employees in recognition of the difficult years experienced; and
- (5) that Services, together with the workforce, explore the options to benefit from a 4 day working week.

## 3. Background

3.1. The Head of Personnel Services was asked by the Administration to look at a number of areas across the conditions of service applicable to the workforce, with a view to seeking an improvement for employees operating in the current difficult circumstances. These centred around improving support for difficult personal circumstances and improving employee wellbeing in general.

## 4. Proposed Changes

4.1. In looking at the current arrangements and best practice, there are two suggested areas of change which are recommended to support families better:-

- ◆ Paternity Leave
- ◆ Support for Pregnancy and Loss

### 4.2. Paternity Leave

The Employment Act 2002 introduced a statutory right to 2 weeks paid paternity leave on the birth of a child or placement of a child for adoption. This is in addition to the existing entitlement to unpaid parental leave. Paternity leave may be taken not just by the biological father, but by a partner if that person will have the main responsibility for the child's upbringing, apart from any responsibility on the part of the mother. A cohabiting partner of either gender may apply for paternity leave. Those eligible for paternity leave currently receive:-

- ◆ one week at full normal pay
- ◆ 2nd week's leave under the Statutory Paternity Leave and Statutory Paternity Pay provisions (currently £156.66)

In accordance with the regulations, employers can reclaim 92% of the statutory paternity pay (SPP) paid to those employees for the 2-week period only.

It is important that parents/carers can maximise the support time available at this special, but stressful, time in any families lives.

**The proposal would be to increase paid paternity leave to 4 weeks, to be taken consecutively.**

There may also be additional costs associated with backfill arrangements where this is required for particular posts.

### 4.3. **Support for Pregnancy and Loss**

#### 4.3.1. **Pregnancy Loss**

This can be a very difficult time for employees and one way of making support for them clear is by signing up to the **Pregnancy Loss Pledge**. The Pregnancy Loss Pledge is a campaign where employers can show their commitment in supporting staff through the distress of miscarriage. The pregnancy loss standard asks that employers agree to:-

- ◆ Encourage a supportive work environment where people feel able to discuss and disclose pregnancy and/or loss without fear of being disadvantaged or discriminated against
- ◆ Understand and implement the rules around pregnancy-related leave, ensuring staff feel able to take the time off they need
- ◆ Show empathy and understanding towards people and their partners experiencing pregnancy loss
- ◆ Implement a pregnancy loss policy or guidance, or ensure it is included in sickness, bereavement or other workplace policies – being mindful of the needs of partners too
- ◆ Encourage line managers to access in-house or external guidance on how to support someone experiencing pregnancy loss
- ◆ Support people back to work by being responsive to their needs and showing flexibility wherever possible

The key areas of this pledge are about providing meaningful time off and support in relation to pregnancy loss.

#### 4.3.2. **Time Off**

The Council's current provisions related to pregnancy loss are held within the Maternity Leave policy. The policy already provides employees who suffer pregnancy loss with paid leave. Prior to the 24<sup>th</sup> week of pregnancy, this is sick leave, and on or after the 25<sup>th</sup> week of pregnancy the employee will be entitled to maternity leave.

An improvement to the current provision would be to introduce a section specifically on neo natal loss (the loss of a baby within the first 28 days after they are born).

#### **4.3.3. Support**

Managers are encouraged to support employees in any difficult and sensitive situation they may be experiencing. In line with this pledge, guidance with clear signposting can be provided to managers to assist them in supporting employees confidently. Being part of this pledge will also provide a communication platform to help take away any stigma or concern around pregnancy loss or pregnancy related issues. This would aim to strengthen the safe environment at work and encourage employees to talk about their situation (if they wish to) and be supported by their manager.

#### **4.3.4. Pregnancy Loss Pledge Process**

The Council can make these improvements directly in our policies and leave schemes. Guidance will be created to provide more understanding and awareness of pregnancy loss and pregnancy related issues.

The next steps would be to formally apply to request to join the pledge to the Miscarriage Association. On confirmation of the Council's submission being accepted, the Council's sign up to the Pregnancy Loss Pledge, leave improvements and support guidance would be circulated to employees and managers through the normal communication channels. The Miscarriage Association would also provide assistance with website or social media communications.

#### **4.3.5. Additional Pregnancy Related Improvements**

The Council's scheme of special leave provides guidance for pregnancy related appointments. Currently, employees can have reasonable time off with pay for fertility treatment and ante natal care. This provision could be extended to the partner, to provide clarity that these employees can accompany their partner for support in the following area.

#### **4.3.6. Fertility Treatment**

If an employee is undergoing fertility treatment, where this cannot be supported by working flexibly by arrangement, paid leave will be granted for necessary related absences during one cycle of treatment. Where possible, appointments should be scheduled out with working hours.

- ◆ If an employee's partner is undergoing fertility treatment, where this cannot be supported by working flexibly by arrangement, paid leave will be granted to attend related appointments during one cycle of treatment. This includes appointments where they accompany their partner for support, as well as those at which they are required to be present
- ◆ Should further treatment cycles be undertaken, where this cannot be supported by working flexibly by arrangement, it will be necessary for the employee to use annual leave or request unpaid leave to cover the above

#### **4.3.7 Maternity Scheme Addition – Neonatal Leave**

Neonatal Leave is time off for parents of babies who are born prematurely, to cover the additional time their babies spend in hospital.

When a premature baby is born, the parents are entitled to an additional week of paid leave for every week of maternity leave/adoption leave/shared parental leave that the premature baby spends in hospital. This will be from the date the baby is born up to the date the baby is discharged from full time hospital care or has reached the original due date (whichever is the earlier). Neonatal Leave will be taken at the

end of the period of maternity leave, adoption leave or shared parental leave, to enable quality time to be spent with the baby.

#### Father, partner or nominated care giver

Those who are entitled to paternity leave will also receive an additional week's paid leave for each week the baby spends in hospital up to a maximum of two weeks. This leave can be taken while the baby is in hospital or after they have been discharged.

## 5. **Employee Wellbeing**

Difficult years have recently been experienced by employees and there are continuing pressures being experienced through the pandemic impact and the national workforce challenges which are having a known impact on recruitment and retention. In addition, the council continues to experience waves of COVID-19 related absence reflective of the rates of infection in the community. This can lead to sudden changes in arrangements and peaks in workload. This has been ongoing for 2.5 years now and nationally there is a known detrimental impact on individuals. There are three areas where the Council could support employees to maintain a healthy worklife balance. These include:-

- ◆ a Wellbeing thank you recognition day
- ◆ the provision of the Right to Disconnect
- ◆ consideration of a 4-day Working Week

### 5.1. **Wellbeing Day**

The Council workforce has gone through a difficult couple of years dealing with the pandemic in both their work and personal lives. The whole workforce should receive recognition of the efforts they have made to deliver services in very difficult circumstances.

The pandemic impact, coupled with the current pressures associated with the current cost of living crisis, has led to a decrease in levels of personal resilience. It is important that employees take some time to focus on their own wellbeing and **the proposal here is that employees are allocated a one-off wellbeing day** to do just that. It would also provide an opportunity for the council, as an employer, to thank the whole workforce for their efforts over the pandemic.

This would be a day to focus on themselves, switch off and do something that would have a beneficial impact on their wellbeing and personal resilience. As part of the communication around this, suggestion for activities will be highlighted and employees encouraged to use the day for themselves.

There is an additional day's leave detailed as part of the current pay offer for Local Government employees. It is not clear whether the offer will be accepted yet, nor whether the additional day applies to 2022. Should the additional day, attached to the pay offer, be effective in 2023, the proposal here would be to allocate one day from the council for this year. If the additional day in the pay offer applies in 2022 this will substitute the day the council was planning to give. Either way, employees will be encouraged to make best use of the day as detailed above.

In relation to the wellbeing day, costs for backfilling staff, where required, would be up to £500,000 on a one-off basis.

### 5.2. **Right to Disconnect**

The Right to Disconnect first appeared in legislation in France in 2017, and other European countries have since followed suit. The legislation was developed following reports on the use of modern technology and the impact on individuals of

feeling constantly connected. The pandemic has expanded the number of employees accessing work remotely and, as a result, there are instances of employees blurring the line between home and worklife in a way which is not conducive to good mental health and wellbeing.

The Scottish Government Public Sector Pay Policy 2022 introduced an expectation for relevant employers to have meaningful discussions with employee representatives about introducing a Right to Disconnect, providing a balance between the opportunities new technology and ways of working bring, and the support required for employees to feel able to switch off from work.

The draft policy is attached at Appendix 1 and sets out the proposed council approach. The policy also sets the Right to Disconnect within the context of other council supports and provides a platform for illustrating our competitive advantage in recruitment as a modern, forward-thinking organisation which cares about and supports the workforce.

### 5.3. **4 Day Working Week**

The Scottish Government Public Sector Pay Policy 2022 also asked employers to consider and take forward pilots in respect of the four-day working week. There are national pilots running which are due to conclude at the end of 2022. Those pilots are around a principle of 100% pay, for 80% of time, but maintaining 100% productivity. The pilots will report back on whether these have been successful and the impact of the change.

The national pilots are focussed on areas where productivity can be increased to maintain the same output in less time. This is not possible in an environment where contact is scheduled. So, for example, a Home Carer who is scheduled to deliver 20 hours of care over 5 days cannot deliver the same hours of care while working 16 hours over 4 days.

A condensed working week is a popular option amongst employees seeking flexible working and has a significant benefit in terms of employee wellbeing. A nine-day fortnight is the most frequently requested, working 70 hours over 9 working days rather than 10. The numbers taking advantage of this at present are reasonably small and are professional or office-based employees. The proposal here would be to encourage a creative look at the ability to extend a 4-day working week to other areas of the workforce rather than wait for individuals to request it. Delivery of service is key, but this would present groups of employees with options and would enable changes for the frontline workforce who, in the current circumstances, may not feel that this is an option they can apply for.

There are clear benefits to individuals and organisations in adopting a 4 day week, where possible. The workforce is more rested, and this will have a positive impact on attendance.

## 6. **Employee Implications**

- 6.1. The proposals in this report are supportive of employees, helping them maintain a healthy work life balance and supporting them through difficult life events. In addition, they represent a clear signal that the council is a modern employer, who values and supports the workforce. This will assist in recruitment and retention, providing a competitive advantage in the current tight labour market.

## **7. Financial Implications**

- 7.1. There are additional financial implications arising from this report which are not provided for within existing budgets.

In relation to the wellbeing day, costs for backfilling staff would be up to £500,000 on a one-off basis. It is projected that, by the year end, the underspend in employee costs (partly as a result of the challenges in recruiting at the moment as reported as part of the financial monitoring reports) will be sufficient to cover these costs.

It should be noted that while this funding and the expenditure are on a one-off basis, in using it to cover these additional costs, it will not be available to support the broader financial position for the Council.

There may also be some additional costs in relation to any backfill of posts taking the extra proposed paternity leave. These are not expected to be significant, however, these will be monitored and can also be covered within the projected underspend in employee costs.

## **8. Climate Change, Sustainability and Environmental Implications**

- 8.1. There are no Climate Change, Sustainability and Environmental Implications arising from the information presented in this report.

## **9. Other Implications**

- 9.1. There are no risk implications in terms of the information contained within this report.

## **10. Equality Impact Assessment and Consultation Arrangements**

- 10.1. An equality impact assessment has been carried out on the recommendations contained in this report. The proposals will have differential impact as the recommendations are intended to target specific sector(s) of the community. However, it is considered that this impact is justifiable, and the results of the assessment will be published on the Council website.
- 10.2. Consultation will take place with the Trade Unions on these proposals and broad support is anticipated.

**Paul Manning**

**Executive Director (Finance and Corporate Resources)**

7 August 2022

## **Link(s) to Council Values/Priorities/Outcomes**

- ◆ Accountable, effective, efficient and transparent
- ◆ Fair, open and sustainable
- ◆ Ambitious, self-aware and improving
- ◆ Excellent employer
- ◆ Focused on people and their needs
- ◆ Working with and respecting others

## **Previous References**

- ◆ None

## **List of Background Papers**

- ◆ None

## **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact: -

Kay McVeigh, Head of Personnel Services

Ext: 4330 (Tel: 01698 454330)

E-mail: [kay.mcveigh@southlanarkshire.gov.uk](mailto:kay.mcveigh@southlanarkshire.gov.uk)

## **Appendix 1**

**Finance and Corporate Resources**

**Personnel Services**

**Right to Disconnect Policy**



# **Right to disconnect policy**

## **1. Policy statement**

The health and wellbeing of our employees is of the utmost importance to South Lanarkshire Council. The Council encourages and supports employees to prioritise their own wellbeing.

Disconnecting from work is vital for an individual's wellbeing, and to help them achieve a healthy and sustainable work-life balance. This refers to a period of time in which employees are expected to be conducting no work on behalf of the business, which includes being available for related communications such as receiving phone calls or emails.

The right to disconnect means that every employee is entitled to switch off outside of their normal working hours and enjoy their free time away from work without being disturbed, unless there is an emergency or agreement to do so, for example while 'on call'.

To encourage and support our employees in balancing their working and personal lives whether they work traditional hours in the workplace, work remotely or flexibly the Council have adopted this right to disconnect policy.

The right to disconnect policy forms part of the Council's overall approach to attracting and retaining employees by being able to offer suitable working patterns which facilitate a better balance between work and life commitments.

This policy demonstrates the Council's commitment to fostering long term careers and promoting equality in the workplace.

## **2. Scope**

The scope of this policy is for all employees, whether employees are working remotely, in a fixed location, at home or are mobile.

## **3. Employer responsibilities**

The Council remains fully compliant with all statutory duties under employment working time legislation. We will always take steps to ensure that all employees, regardless of their place of work, are:

- informed of what their normal working hours are expected to be
- not asked to exceed a 48-hour working week
- able to take relevant rest breaks and rest periods as specified in law/by contract
- able to take annual leave as specified in law/by contract and not be asked to conduct work during this time.

## **4. Employee responsibilities**

The Council expects all employees to comply with the following in the course of their work. They must:

- ensure that they manage their own working time and consider their obligation as an employee, while at work, to take reasonable care to protect their health, safety and wellbeing; and that of their colleagues.
- be mindful of colleagues', customers'/clients' working hours e.g., by not routinely emailing or calling outside normal working hours
- notify their manager of any rest period or break to which they are entitled to and were not able to be available on a particular occasion, and the reason why
- speak with their manager if they feel their workload is preventing them being able to take the rest breaks/periods they are entitled to.

## **5. Manager Responsibilities**

The Council expects all managers to support the right to disconnect policy and its employees by:

- leading by example e.g., demonstrate behaviours that support the right to disconnect to employees.
- encourage employees to disconnect e.g., reminders at team meetings, one to one meetings, or as part of a regular focus on employee wellbeing.
- encourage employees to plan their annual leave.

## **6. Working hours**

Normal working hours are set out in individual employee's contract of employment. As employees within the organisation work to different schedules, it is important to note all employees have the right to disconnect in the context of their own particular work pattern. Exception may be necessary where there is a requirement for an employee to be on call, standby and/or agreements for emergency situations.

## **7. Communications**

Where possible, e-mails should be checked or sent only during normal working hours. Due to differing/non-standard patterns of work in the organisation, some employees may send communications at times which are inopportune for other employees, e.g., weekends. The sender should give due consideration to the timing of their communication and potential for disturbance, and the recipient should understand that they will not be expected to respond until their working time recommences.

Management do not expect employees to respond to social communications from colleagues outside of their working hours and it is entirely down to them if they choose to do so. Communications on social media platforms are not an acceptable means of contacting colleagues in relation to work matters.

If a manager sends communications outside agreed working hours, unless business and operational needs dictate that an immediate response is required, a statement will be attached to out of hours emails tempering the expectation of an immediate response.

Managers will have a supportive conversation with any team member they notice are sending emails at odd hours or logging in excessively – this may be a sign that they are

finding it difficult to manage their workload or switch-off for other reasons. The manager and the employee can discuss if there is any assistance that could help the employee properly disconnect.

## **8. Meetings**

Employees respect people's time by only inviting them to meetings where they play an active role and have something to contribute. This can help minimise unnecessary meetings and meeting fatigue. Employees will also not be expected to attend meetings if they fall outside their usual hours or during their usual rest break, such as at lunchtime.

Employees should be mindful of and manage how much virtual communication they have each day, for example it may be necessary to block time in the diary to do other work. Another consideration in limiting screen time is (where possible and appropriate) consider having a 'walk and talk' meeting, whether that is in person with a colleague or by phone.

Care should also be taken to avoid back to back meetings. On occasions where this cannot be avoided, ensure a 10 minute comfort break is in place and encourage the good practice to set meetings for 45 or 50 mins in an hour period to encourage breaks between meetings.

## **9. Disconnecting**

In order to respect the right of employees to enjoy a personal life, all employees have a right to switch off their mobile communications device(s) outside of their working hours.

## **10. Automatic emails**

Employees may receive an automated email if excessive flows of emails outside business hours are being sent from their email address. If employees receive such an email, they will be required to explain to their line manager the reasons for the volume of out-of-hours email correspondence.

## **11. Automatic replies**

Line managers will notify employees if they are authorised to put an automatic email response in place to auto-reply to emails received outside normal working hours and confirming that the emails will be reviewed the next morning or business day.

The below are templates to use:

- 'My normal working hours are from X to Y. I will respond to you when I am back at work.'
- 'I am currently working flexibly so while it suits me to send this email now, I do not expect a response or action outside your own working hours.'

## **12. Work/life balance**

The Council is committed to ensuring that employees enjoy both a personal life and a professional life. If employees have any concerns in relation to their workload or the work patterns required by their role or their ability to maintain a reasonable work/life balance, they are required to contact their line manager to address the issue.

### 13. Wellbeing

Employees working from home are encouraged to schedule post-work leisure activity, in order to create some separation from the end of their workday and the beginning of their personal time. Employees, including those engaging in flexible working arrangements or remote working, are reminded to switch off from work.

Employees are also reminded to plan their annual leave in good time, to ensure they have appropriate rest breaks throughout the year.

Where employees need further support for their wellbeing and would benefit from counselling/cognitive behavioural therapy services. Please see contact information to access this assistance below.

### 14. Grievances

If any employee experiences difficulties in asserting their right to disconnect, they should first raise the matter with their line manager and seek to resolve the matter informally. If they cannot reach an agreement, they will need to raise a formal grievance in line with the procedures set out in our grievance process.

### 15. Links to other policies/documents:

- Flexible Working Policy
- Maximising Attendance Policy
- Stress Risk Assessment

### 16. Further Sources of Wellbeing Support

- All employees can access counselling through the Council's Employee Assistance Provider, **PAM Assist** by calling **0800 882 4102**. All calls are free, confidential and available 24 hours, 7 days a week throughout the year. When calling please confirm that you are an employee of South Lanarkshire Council and the Resource you work for i.e., Social Work, Finance and Corporate, Education, Community and Enterprise or Housing and Technical.
- [www.pamassist.co.uk](http://www.pamassist.co.uk) Information available on a range of health matters. To access input **username: SLC and password: SLC1**
- The employee support team can signpost to other mental wellbeing supports. Contact: [employeesupport@southlanarkshire.gov.uk](mailto:employeesupport@southlanarkshire.gov.uk) or 01698 455 5021

- The employee wellbeing team can signpost to various wellbeing supports Contact: [employeewellbeing@southlanarkshire.gov.uk](mailto:employeewellbeing@southlanarkshire.gov.uk) or 01698 454 638