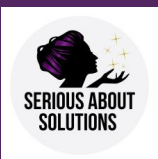


Edition 3

1 October 2024

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Chinwag!

Welcome to the third edition of *Chinwag!* – a fresh mix of captivating stories, quirky insights, and the latest updates from the world of workplace learning and employment law, all served with a sprinkle of humour and a pinch of wisdom.

Whether you're kick-starting your morning with breakfast, commuting to work (or just taking the stairs if you're working from home), or chatting about *Chinwag!* with friends and family, we've got plenty of conversation starters to spark your curiosity.

So dive in, have a laugh, learn something new, and enjoy the ride. We're excited to have you back! And once again, for our newcomers – a special warm welcome to you.

Regards,

Team Serious About Solutions



"Always take some of the play, fun, freedom, and wonder of the weekend into your week and your work." - Rasheed Ogunlaru

News and Views

Understanding the Rights of Voluntary Workers and the Dangers of Exploitation

Serious About Solutions has prepared a new Fact Sheet (SAS V001) which explores the rights of voluntary workers.



In this three-part series, we begin by examining the legal expectations and parameters of working as a volunteer in the UK.

Part I: What is Voluntary Work?

Voluntary work plays a vital role in supporting charitable organisations, community projects, and non-profit initiatives in the UK. Many individuals choose to give their time and skills freely, driven by altruism and a desire to contribute positively to society. However, not all voluntary workers are fully aware of their rights, and this lack of knowledge can leave them vulnerable to abuse and exploitation.

Volunteers, by definition, are not employees and are not entitled to the same rights as paid workers. This can create confusion, as many voluntary workers do not realise that they are not protected by the same legal framework that governs traditional employment. For example, volunteers are generally not entitled to the National Minimum Wage, sick pay, or holiday pay, as they are not considered employees under UK law. This distinction can sometimes be manipulated by unscrupulous organisations, who may demand excessive time commitments, fail to provide adequate support, or use volunteers in ways that breach ethical standards.

The situation becomes even more concerning when voluntary work crosses into the realm of modern-day slavery. Modern slavery, which includes forced labour, human trafficking, and exploitation, is a severe violation of human rights. While voluntary work is characterised by free will and choice, modern-day slavery involves coercion, threats, and exploitation of vulnerable individuals. Some individuals may enter into what they believe to be voluntary work, only to find themselves trapped in exploitative situations where they are forced to work under abusive conditions without proper compensation or the ability to leave.

In the UK, the legal differences between voluntary work and modern-day slavery are stark. Voluntary work, as mentioned, is generally unpaid and involves individuals offering their services freely. The law does not impose employment rights, but volunteers should be treated with respect and fairness, with their consent and boundaries upheld at all times. Organisations are encouraged to have clear volunteer agreements that outline the nature of the role, the time commitment, and any reimbursements, such as travel expenses. Volunteers also have the right to a safe working environment and should not be asked to work unreasonable hours or in hazardous conditions.

Modern slavery, by contrast, is a criminal offense under the Modern Slavery Act 2015. It involves individuals being forced or coerced into work, often under inhumane conditions, with little or no pay. Those trapped in modern slavery may have their documents confiscated, be subjected to threats or violence, and be denied basic human rights. Unlike voluntary work, modern slavery is illegal, and organisations found to be engaging in or facilitating such practices can face severe penalties, including imprisonment and fines.

By definition, voluntary work is done freely, and volunteers offer their time without an obligation to fulfil specific working hours unless they agree to it. The key aspect of

voluntary work is that it is based on mutual consent, meaning that volunteers should have the freedom to choose when and how much they work.

While some organisations may request that volunteers commit to a certain number of hours or days, these arrangements should be flexible and voluntary. Any agreement regarding time commitments should be based on mutual understanding and clearly communicated beforehand, but it should not impose a legal or binding obligation on the volunteer.

In the hospitality sector, meals and accommodation can be provided, but there are important considerations to keep in mind to ensure this arrangement remains lawful and ethical.

Key Considerations:

1. **Reimbursement vs. Payment:** Voluntary workers in the UK are generally unpaid, but they can be reimbursed for expenses incurred during their voluntary work. This includes costs related to accommodation, meals, and travel. However, these provisions should not be considered "payment" for services, as that could potentially change the nature of the arrangement from voluntary work to employment. The accommodation and meals should be provided in line with the volunteer's duties and not as a form of compensation.
2. **Clarity in Agreements:** Any arrangement regarding the provision of accommodation or meals should be clearly communicated and agreed upon between the volunteer and the organisation. A written volunteer agreement outlining the details can help ensure transparency and avoid misunderstandings.
3. **Avoiding Employment Status:** The organisation must be careful not to treat the voluntary worker as an employee by setting fixed hours, making excessive demands, or providing a wage disguised as benefits. If the role starts to resemble paid employment, the volunteer could be entitled to employment rights, such as the National Minimum Wage.
4. **Ethical Treatment:** It is important that the organisation ensures the volunteer is treated fairly and ethically. Accommodation and meals provided should meet basic living standards, and the volunteer should not feel coerced into staying or continuing their work due to these provisions.

In a nutshell, while accommodation and meals can be provided to voluntary workers in hospitality, it is essential that these benefits are clearly framed as part of the voluntary experience, not as payment for labour. Clear agreements and ethical practices will ensure that the arrangement remains lawful and mutually beneficial.

If an organisation tries to force a volunteer to work specific hours or make commitments beyond what was agreed upon, it could potentially be exploitative or unethical, and it might blur the lines between voluntary work and employment. In such cases, the individual may need to reconsider their role, and the organisation should ensure that its expectations of volunteers are fair and respectful of their freedom to choose.

To protect voluntary workers, it is essential that they are informed of their rights and the distinction between voluntary work and exploitative practices. Organisations must also ensure that their use of volunteers is ethical, transparent, and in line with legal standards. By raising awareness and promoting a culture of respect and dignity, the UK can continue to benefit from the immense value that voluntary workers provide while safeguarding them from exploitation.

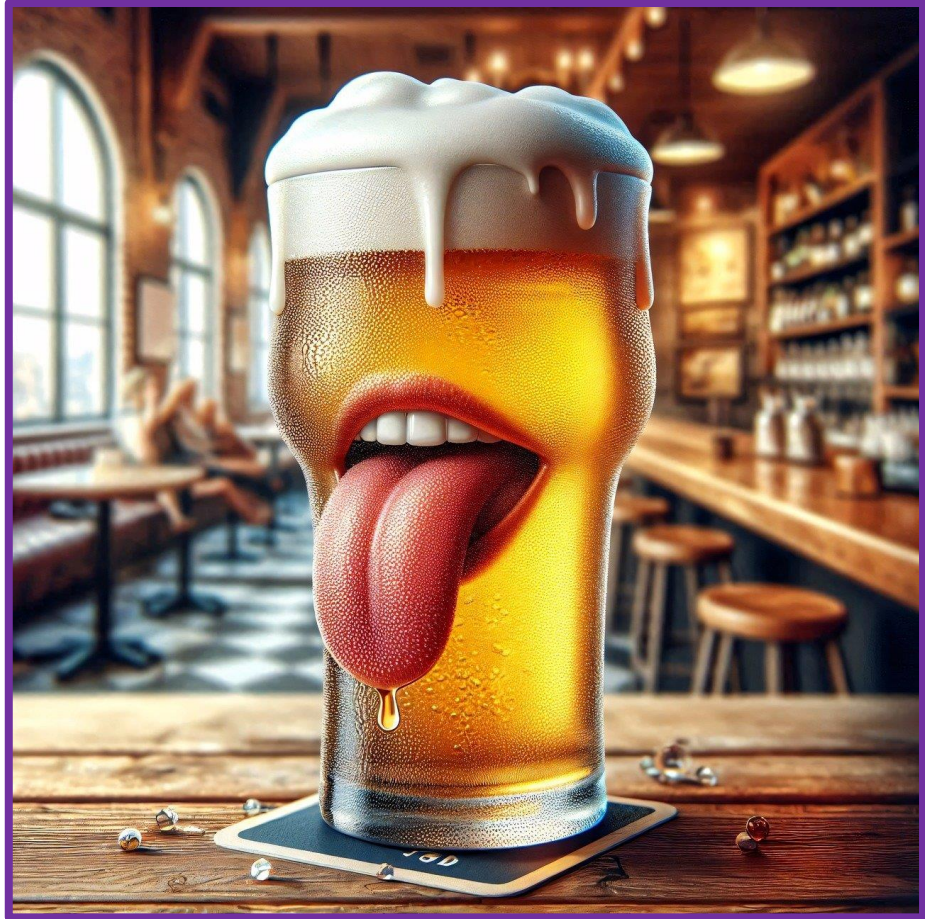
In our next edition of **Chinwag!**, we will look at voluntary workers from abroad.

Make sure you're amongst the first to see this series, and all our other excellent publications, by [subscribing here](#)

Curious Cases

No Pints at Lunch: The Quirky Rule That Keeps UK Workers Dry

In the UK, an old rule dating back to the Industrial Revolution still pops up in some employment contracts, particularly in manufacturing and traditional industries. Known as the "no drinking during lunch" clause, it prevents employees from heading to the pub for a pint during their lunch break.



While it may seem outdated, it's still enforceable and can lead to disciplinary action if workers are caught drinking alcohol during work hours, even if they're off the premises. The intent behind this rule is clear: to keep workers safe and productive, especially in jobs involving machinery or public safety. In safety-critical environments, violating this policy could result in dismissal. However, in a more corporate setting—where the biggest risk might be an overly chatty colleague—disciplinary measures are likely to be less severe.

That said, most employers now take a more holistic approach to addressing psychological health and addictions through their Employee Assistance Programmes.

This quirky rule highlights the fascinating balance between Britain's pub culture and the demands of modern employment!

On a more serious note, if you or someone you know needs support with addiction, feel free to contact us at **Serious About Solutions**. Our in-house experts are here to provide confidential assistance.

If you are aware of any unusual laws or bylaws which could impact on the workplace, share it with us at info@seriousaboutsolutions.com and we'll have a **Chinwag!** about it.

Quantity + Quality

In this week's edition of our community advice section, we assist Gabby – whose colleague is unhappy about her tasks.



"Hi SAS

I work in the service industry for a results-driven organisation that prioritises quantitative outcomes. Due to my strong focus on quality and attention to detail, my line manager often assigns me the more complex and complaint-related cases. As a result, my key performance indicators (KPIs) are more aligned with customer satisfaction than with output volume.

Recently, a new team member, Lucy, has been privately expressing frustration to a colleague about me receiving more interesting tasks than she does. She feels that this is holding back her progress and is considering going over our line manager's head to raise a complaint.

Should I make our line manager aware of her frustration? I don't want him to be taken by surprise, but at the same time, my colleague shared this information with me in confidence."

Serious About Solutions say:

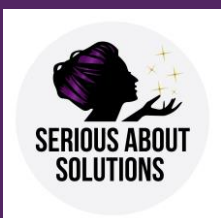
"Hi Gabby

It's a delicate situation, as you want to respect your colleague's trust while also ensuring your line manager isn't blindsided. A balanced approach might be to have a general conversation with your manager without mentioning Lucy specifically. You could share that you've noticed there may be concerns within the team about task distribution and that it might be worth checking in with everyone to ensure they feel fairly treated and equally valued. This way, you're raising awareness without breaking confidentiality.

Additionally, if your organisation runs a mentoring or buddy system for new recruits, you could suggest to your manager that the programme is revised or refreshed "

Useful resources for this case study:

- Legislation
 - None at this stage
- Organisation policies
 - Mentoring
 - Appraisal /Personal development/ KPI policies
 - Grievance
- Line manager



Expert Insights

Menstrual Equity in the Workplace: Why It Matters and How We Can Achieve it

Our guest writer today is Catherine De Freitas - a dedicated mentor, advocate, and founder of the [Menstrual Equity Project](#). We're thrilled to have Catherine share her expertise and insights with us.

Introduction

In today's evolving workplace, issues like mental health, gender equity, and diversity have been brought to the forefront. However, one critical aspect of gender equity that remains under-addressed is menstrual equity. Menstrual equity refers to the equal access to menstrual products, education, and supportive policies that allow menstruators to work comfortably and with dignity.

The Importance of Menstrual Equity:

- **Breaking the Stigma:** Menstruation is a natural biological function, yet it remains shrouded in silence and stigma, especially in the workplace. The fear of judgment or embarrassment can cause employees to hide their needs, affecting their productivity and well-being.
- **Workplace Impact:** According to studies, menstruators may experience discomfort, pain, or other symptoms that can impair their performance at work. Without proper resources and a supportive environment, it becomes harder for them to reach their full potential.
- **Retention and Productivity:** Supporting menstrual health through policies and resources helps retain top talent. A workplace that accommodates all employees equally fosters a healthier, more productive, and loyal workforce.



What Menstrual Equity Looks Like in the Workplace:

- **Access to Products:** Free or subsidized menstrual products should be made readily available in restrooms or other designated areas. This removes the economic burden and stress of being caught without necessary supplies.
- **Flexible Policies:** Allow for flexible working hours or remote work options for those who suffer from severe menstrual symptoms. Offering sick leave or paid time off for menstrual-related issues ensures employees don't have to choose between their health and their job.

The Lighter Side

- **Education and Training:** Incorporate menstrual health education into employee wellness programs. Educating staff on the importance of menstrual equity helps reduce stigma and creates a more inclusive environment for everyone.
- **Supportive Workplace Culture:** Encourage conversations about menstrual health to normalize it as part of daily workplace life. Management and HR should lead by example, promoting understanding and eliminating the taboo surrounding menstruation.

Conclusion

Menstrual equity in the workplace is not just a women's issue—it's a human issue. By recognizing and supporting the needs of menstruators, companies not only create a more inclusive environment but also increase productivity, satisfaction, and retention. It's time for businesses to lead the way in ensuring that every employee can perform their best, regardless of whether they menstruate.

For more advice or assistance with writing policies, email us at:

info@seriousaboutsolutions.com

Bully for You

Bullying at work is something we all hope to avoid, but unfortunately, it happens more often than we'd like. In many European countries, workplace bullying is specifically referred to as "mobbing" to ensure it is properly addressed, and this term is becoming increasingly common in the UK.

So, is bullying illegal in the UK workplace? Well, the answer is a bit like that mysterious drawer in the office kitchen filled with unknown Tupperware – it's complicated!



The Legal Side of Things

While there isn't a specific law that *directly* says, "No bullying allowed," under the *Equality Act 2010*, bullying can be considered harassment if it relates to one of the nine protected characteristics (like age, gender, race, or disability). So, if someone's picking on you because you've got a quirky taste in socks – that's annoying, but not necessarily illegal. However, if they're doing it because of one of these protected characteristics, the law's got your back!

That said, bullying of any kind can still lead to claims of *constructive dismissal* if it makes the workplace unbearable, so employers can't just shrug it off. They have a duty of care to ensure a safe, respectful work environment.

What Is Bullying?

Bullying can come in many forms – from aggressive emails that make you want to hide under your desk, to constant put-downs in meetings (the “Oh, did *you* have an idea?” type). It can be subtle or loud, but either way, it's never a pleasant experience.

And let's not forget the passive-aggressive post-it notes on the fridge about “cleaning up after yourself” or the classic eye-roll when you bring up your brilliant new strategy for the fifth time. (Yes, Gary, *some* people do enjoy brainstorming at 9 AM.)

What Should You Do If It Happens?

If you're feeling more like a target than a team member, it's important to speak up. Whether it's having a quiet word with HR or using your organisation's grievance procedure, there are ways to address the issue before it gets out of hand. After all, nobody should feel like they need to wear armour just to attend the Monday meeting!

If your organisation has a trade union presence, you can ask their Health and Safety Representative to conduct a risk assessment or workplace inspection, even if you're not a union member. Accredited representatives have access to a wealth of resources. While the responsibility for health and safety lies with the employer, the union's representative is legally permitted to look after the well-being of all staff and service users on-site.

Wrapping It Up

So, while bullying itself isn't *technically* illegal in the UK unless it veers into harassment territory, employers still have to take it seriously. And let's face it – we spend too much of our lives at work to let someone else's bad behaviour turn it into a battlefield.

Remember, a little kindness goes a long way – and we could all use less drama and more tea breaks in the workplace!

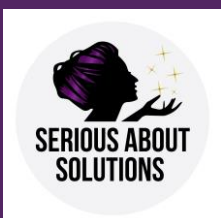
If you have any queries or need advice about workplace bullying/mobbing, get in touch with us at info@seriousaboutsolutions.com.

Knocker-uppers!

One amusing story from the history of UK working life comes from the early days of industrialisation, particularly during the 19th century in Lancashire's cotton mills. Workers there had a reputation for both their hard work and their wit, often coming up with creative ways to improve their quality of life—sometimes at the expense of factory rules!

One legendary story revolves around the *knocker-upper*. In the days before alarm clocks, factories needed their workers to show up on time, and mill towns employed *knocker-uppers*—people who would walk the streets with long sticks, tapping on windows to wake people up. However, many workers developed strategies to outwit the early morning summons. Some would place string outside their windows, running through the house to a bedpost. When the knocker-upper tapped, the worker would pull the string from bed, knocking it off the window, fooling the knocker-upper into thinking they'd risen, while they stayed snug under the covers a little longer! The knocker-upper system eventually faded away with the advent of alarm clocks, but this quirky arrangement is a reminder of how workers back then used ingenuity to steal a few extra minutes of sleep in a time when strict factory schedules ruled their lives.

It's a charming glimpse into how British workers have always balanced their humour with the challenges of their jobs



In the Know

Talking Points in the World of Work

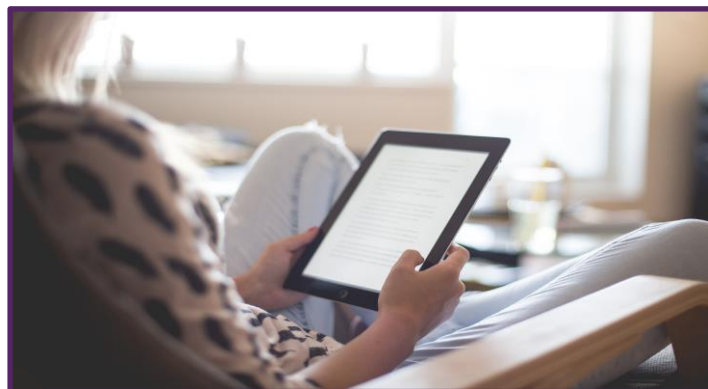
This week:

Several notable updates to UK employment law have come into effect or are on the horizon:

1. **Worker Protection from Sexual Harassment:** Starting on 26 October 2024, employers in the UK must take proactive steps to prevent sexual harassment in the workplace. This new duty mandates that employers implement measures such as training, clear reporting systems, and regular reviews of policies. Enforcement will be handled by the Equality and Human Rights Commission (EHRC), and failure to comply can result in increased compensation penalties for affected employees ([HR Pulse](#)) ([Osborne Clarke](#)).
2. **The Employment (Allocation of Tips) Act:** Effective from 1 October 2024, this law ensures that all tips, gratuities, and service charges are fairly distributed among workers. Employers must now maintain clear records and written policies on tip distribution. Workers can file tribunal claims if they believe tips are not allocated fairly ([HR Pulse](#)).
3. **New Employment Rights Bill:** By mid-October 2024, new measures aimed at strengthening worker protections will be introduced. These include rights against unfair dismissal from the first day of employment, restrictions on exploitative zero-hours contracts, and making flexible working the default from the first day on the job ([HR Pulse](#)).

Employers are advised to review their policies and processes to ensure compliance with these changes

Readers Corner



In our Readers' Corner you get a chance to let us have your questions, feedback, diary dates and Community Spotlights.

- **Questions**
Let us have your questions about the world of work and we will publish our expert advice in our ***Chinwag!*** newsletter
- **Feedback**
Tell us what you think about our website, publications and services
- **Diary Dates**

- 13 – 14 November 2024
[The British Business Show 2024](#)

- *October is:*
 - 15 Sept – 15 Oct is Latin American Month
 - ADHD Awareness Month
 - Black History Month
 - Breast Cancer Awareness Month

*Thanks for taking the time to read this edition of **Chinwag!***

We really need your feedback so that we can continue to make improvements to our publications and services.

*Share this newsletter with anyone you think might be interested in what we do here at **Serious About Solutions**. Don't forget to [join our mailing list](#). See you in the next edition*

Contact us

Serious About Solutions

Suite 18423
PO Box 6943
London
W1A 6US

Tel: +44 7480 687 458

Office: +44 8533 3538

Email:

info@seriousaboutsolutions.com

Website:

<https://www.seriousaboutsolutions.com/>



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