

CASE STUDIES

Case Study 1

Club A experienced a downturn in bookings this year – a reflection of the economic climate. In particular, bookings for events in the bar and restaurant sharply declined over the winter period. The bar and restaurant were frequently overstaffed meaning that they were standing around doing very little.

The Club Manager contacted [Empire HR Ltd](#) for advice on the options available.

The advisor at [Empire HR Ltd](#) was familiar with this type of issue since she advises Managers at several golf Clubs throughout the UK. Therefore, she knew the working patterns and types of employment status the staff were likely to have.

The advisor asked several questions which enabled her to ascertain that although staffing cuts needed to be made in the very near future, bookings were expected to pick up within the year.

Therefore, it was agreed with the Manager that the priority was to cut the staffing budget whilst retaining the staff that would be crucial when the bookings came in.

The Manager was provided with all the options available, along with timeframes and staffing costs involved. These options included the following:

- Ceasing to use bank staff
- Seeking volunteers for part time working/sabbaticals
- Redeployment of staff to other departments
- Redundancies
- Negotiation of pay cuts, or reduced working hours
- Changes to contractual entitlement to staff benefits
- Dismissals
- Performance Management

For each option, the advisor provided information on any legal procedures that needed to be followed, and any potential pitfalls in terms of tribunal risks.

The Manager was able to consider all the options available and take his preferred course of action to the Board of Directors for consideration.

Once the decisions were made, [Empire HR Ltd](#) provided the Manager with all the letters, meeting outlines, and paperwork that would be required. In addition, an advisor was available for guidance and support throughout the process.

Case Study 2

Club B noticed that there were problems with their Head Chef. He was frequently late for work, looked tired, and his general performance at work was not up to scratch. For example, orders were not being made on time, food presentation standards had slipped, and the menu was not of the standard expected in the Club.

The Manager contacted [Empire HR Ltd](#) to get some guidance on how to address the problem.

The advisor took the time to discuss the issue, and it transpired that the Head Chef often smelt of alcohol when he arrived at work. In addition, the Manager had observed the Head Chef sitting in the bar after his shift had finished each day.

The advisor explained that alcohol dependency can fall within the scope of the Disability Discrimination Act in some limited circumstances. Also, the use of alcohol could indicate further health or personal issues. The Manager agreed that this behaviour was out of character for the Head Chef. Prior to the past couple of months, he had been doing extremely well at work. In addition, the Manager confirmed that the Head Chef has been employed for 7 years without any other issues.

Therefore, it was agreed that the Club genuinely wanted to resolve the issue and support the Head Chef. However, if improvements were not forthcoming action did need to be taken since his job was vital to the Club.

The advisor suggested that they carry out an investigation meeting, and provided the Manager with a list of suggested questions along with an outline for the meeting. Once the meeting was over, the Manager emailed the minutes to the advisor for review.

The investigation revealed that the Head Chef had recently experienced a relationship breakup. He admitted spending an increasing amount of time in the bar, and that this had impacted upon his work. He also expressed a desire to get back on track. He assured the Manager that his performance at work would improve, and that he did not have an alcohol dependency issue.

The advisor suggested that the Head Chef and Manager participate in a course of performance management. This would allow the Manager to monitor and support the Head Chef, and identify if there were ongoing issues. [Empire HR Ltd](#) drafted the plan with the Manager to ensure that it was tailored to the circumstances.

The Head Chef was informed that he was expected to attend regular performance review meetings, to make the necessary improvements within the stipulated timeframe, and that turning up to work under the influence of alcohol was not acceptable. He was made aware, in writing, that if he turned up to work under the influence or failed to make the necessary improvements, formal disciplinary action would be taken.

The Manager noticed an immediate improvement. The Head Chef ceased spending time at the bar – going straight home when his shift ended. They met every 2 weeks for 1 month, and then monthly for another 3 months.

[Empire HR Ltd](#) provided the Manager with outlines for the meetings, and stayed in touch with the Manager to keep updated about the situation. [Empire HR Ltd](#) was prepared to support the Manager in instigating the disciplinary process if necessary, but was pleased to note this was not needed.

Case Study 3

The new Manager at Club C had received a set of Employment Tribunal papers. The previous Manager had already received the papers but due to not knowing what to do, he had not responded to the Tribunal with a response in time. The Tribunal had therefore issued a judgement against the Club.

[Empire HR Ltd](#) had an Employment Tribunal Advocacy Unit, which was able to deal with the tribunal papers. Empire HR Ltd filed the necessary papers with the Tribunal and had the judgement set aside.

Empire HR Ltd subsequently represented the Club at the Employment Tribunal hearing, and successfully defended the claim.

Case Study 4

Club D was alerted that a member of staff had been observed looking at porn websites during his lunch break. The Manager contacted [Empire HR Ltd](#) for advice on how to deal with this.

The advisor at [Empire HR Ltd](#) checked the records for the Club, and could see that this employee had signed a contract and employee handbook which stated that misuse of the Club's computer systems was a disciplinary offence.

The Manager explained that he wanted to take formal disciplinary action, and wished to send a clear message to staff that this type of conduct at work was unacceptable. In addition to concerns about other staff witnessing this behaviour, it was noted that the employee had used a computer station that was in public view!

[Empire HR Ltd](#) provided the Manager with all the documents and paperwork that would ensure the disciplinary process was conducted in accordance with the ACAS Code of Practice. This included outlines for meetings, and letters to send to the employee.

The employee was issued with a formal warning which went on his personnel file. In addition, all staff were sent a memo (drafted with assistance from Empire HR) reminding them that misuse of the computer systems will not be tolerated, and referring them to the Club's IT Policy.

Did you know...10 Employment law facts

- The law states that employees must be issued with terms and conditions of employment within 8 weeks of starting with the Club.
- The Working Time Regulations dictate the entitlement to breaks. The entitlement is different for younger workers, night workers, and drivers.
- All workers must be paid at least the national minimum wage. The national minimum wage rates vary for younger workers, apprentices and those in training.
- There is no upper limit in the compensation that can be awarded in discrimination cases.

- Legislation now prohibits discrimination on the grounds of age, disability, race, religious or philosophical beliefs, sexual orientation, and gender.
- In order for disciplinary warnings to be valid, the allegations must be investigated. The employee must be invited to a formal disciplinary meeting with at least 24 hours written notice, be advised of the right to be accompanied, be presented with any relevant evidence, and be given the opportunity to explain any mitigating circumstances.
- Those with children aged 17 or under, with a disabled child under the age of 18, and those who care for an adult dependant have the right to request flexible working.
- A contractual right does not have to be written down to be enforceable. For example, if you have been awarded a bonus several times, it may have become a contractual right due to custom and practice.
- Recent statistics from the Employment Tribunals Service reveal a 29% increase in unfair dismissal claims.
- The average award of compensation by Employment Tribunals in disability discrimination cases is £27,235.