

# Legal advice

## *examples for businesses*

All commercial policyholders have access to legal advice 24/7 for any legal matter effecting your business, from health & safety to employment and tax we can help. These are a few examples of the kinds of things that businesses commonly ask us to help with. If you need legal advice concerning a specific situation, please call the legal advice number shown inside your policy wording.

### **Managing Flexible Working Requests**

Our insured contacted us as one of their employees who was on maternity leave and due to return shortly had asked to change her hours. Our insured was unsure how to deal with this as they could not offer the change in hours the employee had requested. We were able to guide them on how to practically resolve the issue and in this case, an informal discussion advising the employee of what hours they could offer the employee was sufficient to conclude the matter.

### **Investigating Employee Theft Fairly**

The owner of a small newsagents and contacted us after suspecting that an employee was taking stock without payment. We advised the insured of how to conduct a thorough investigation into the matter, and then how to discipline the employee via a fair process. Evidence was gathered and when presented to the employee, the employee offered to resign and re-pay Mr White for the value of the goods.

### **Reducing Liability for Allergies**

The insured ran a nursery and had a child with a serious nut allergy recently join, they wanted to know what steps they should take to reduce any liability risks. We advised the best thing to do in this situation was for them to review their safety policy and ensure it was robust. Then they should check that all staff, in particular any that deal with food preparation, are aware of the policy and followed it at all times. They should also ensure that all staff were of this child's specific allergy and received any additional training that may be required.

### **Resolving Employee Pay Concerns**

An employee came to our insured and said they didn't think they had been paid the correct amount. They didn't want to end up in an employment dispute and wanted to know what they should do. We advised that the thing to do was to sit down with the employee and go through their pay and hours and see if there has been an error.

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## Impact of Housing on Wages

A domiciliary care provider recently contacted us as they wanted to consider the implications of providing overseas workers with accommodation whilst they employees were employed by them. We advised the client of the types of agreements that may arise in this situation but most importantly, we discussed the impact that providing employees with accommodation at a cost could have on the calculation used to determine if an employee is paid the national minimum wage. The client decided it was not financially viable to offer the employees accommodation.

## Ending Fixed-Term Service Contracts

The office manager of a small office contacted us as he wished to cancel the ongoing contract he had for a printer and printer related materials. Although the contract was for a fixed term and so could

not be brought to an end immediately, we were able to discuss the terms of the contract with the client who was then able to identify when he would be able to give notice to end the contract and when the notice would take effect.

## TUPE and Service Changes

A small catering company contacted us after losing the contract to provide a café service for a local community centre. They were aware that TUPE may be relevant to their situation but did not understand what it meant or how it would affect them. We were able to discuss the TUPE regulations with the client and identify they did apply to a service provision change. We then discussed with the client the step-by-step process they should follow and the time scales they should adhere to in order to consult with staff and exchange information with the incoming employer in a prompt and fair manner.

