

## **BEIS Management and Wellbeing Practices Survey 2018**

### **Key Definitions**

#### **Workplace:**

For the purposes of this survey, a workplace is defined as “the activities of a single employer at a single set of premises”.

We are interested in the sampled workplace – for example, a particular Tesco store, not the organisation as a whole.

While this should generally be clear, some cases can be less straightforward. Two examples of cases that might occur are:

Example 1: John Smith PLC operates from one floor of an office block, where various other companies are also based. The workplace here is just John Smith PLC.

Example 2: a hospital site where there may be several different physical buildings located in close proximity, with the same staff working across these different buildings – these would be considered as a single workplace.

#### **Employee:**

An employee is a person who works under a contract of employment in exchange for a wage or salary. The term excludes any freelance workers, consultants or casual workers who do not have a contract of employment. It also excludes agency workers who have been deployed to the workplace by an employment agency. Representatives, salesmen and similar employees who may work principally away from the workplace but nonetheless hold a contract of employment should be included if the selected workplace is the one to which they principally report.

There can be uncertainty over whether a person is an employee or not. If the employer has a duty to provide work, controls when and how it is done, supplies the tools or other equipment needed to do it and pays tax and national insurance contributions on the worker's behalf, then it is likely that the worker is an employee. If, on the other hand, the worker can decide whether or not to accept work and how to carry it out, makes his or her own arrangements for holidays or sickness absences, pays his or her own tax and national insurance contributions and is free to do the same type of work for more than one employer at the same time, this points towards the person being self-employed.

When asked how many employees are on the payroll at the workplace, the respondent should include themselves if they are also an employee at the workplace.

## **Other key terms:**

**Part-time worker:** Someone who works less than 30 hours per week.

**Temporary or fixed-term contract:** An employment contract for a short or fixed duration (not open-ended). Such workers may be used to cover seasonal or cyclical demand or to meet increased demand that is not expected to be permanent. A fixed-term contract is one with a fixed end date. It could be for one week, but some may last for a year or 18 months, for example. Short fixed-term contracts (for a few weeks or a couple of months) are often referred to as 'temporary contracts'.

**Temporary agency staff:** Staff that are hired on a temporary basis through an employment agency. They are not directly employed by the workplace at which they work, but by the employment agency itself. The workplace pays the agency a fee for their services, out of which the agency pays the employee their wages. Temporary agency staff will not have a contract of employment with the workplace at which they are deployed, nor appear on its payroll.

**Zero hours contracts:** An employment contract under which the employer does not guarantee to provide the employee with any work. The employee has no fixed hours, but instead there is a requirement that the employee will work hours as set by the employer and the employee can be called into work for as few or as many hours as the employer requires. These hours may alter from day to day, or week to week.

**Annualised hours:** This is where the number of hours staff have to work is calculated over a full year rather than a week or month. This form of employment enables the number of hours worked by the employee in a defined period (day, week, month, quarter) to be varied, subject to an agreed maximum number of standard working hours for the year.

**Compressed hours:** Where an employee works full-time hours over fewer days in their working week. For example, working a 40 hour week over four days, or working a nine-day fortnight. This is not the same as shift-working.

**Flexi-time:** Gives an employee the freedom to choose when they start and finish their working day, within certain limits that have been agreed with their employer. An example is that employees are required to be on site between "core hours" of 10am and 3pm. Informal arrangements should be included, but it has to be a sustained arrangement between the employee and employer to alter start/finish times on a regular basis.

**Job sharing:** A working arrangement involving two or more people sharing the responsibilities and tasks of one full-time job. Sharers each have their own contract of employment and share the pay and benefits of a full-time job on a pro-rata basis. The typical situation is where one full-time job is shared by two part-time workers. This is different to job or task rotation, where a group of employees might rotate around different tasks (e.g. reception, office duties etc), which is largely done to give them some variety in their work.

**Night workers:** Those who regularly work at least 3 hours during the night period, which is typically 11pm to 6am, although different definitions of night periods can be agreed between managers and employees.

**Shared parental leave (SPL):** Where an employee and their partner can share up to 50 weeks of leave and up to 37 weeks of pay between them if they are having a baby or adopting a child. The leave needs to be taken in the first year after the child is born or placed with the family. SPL can be taken in blocks separated by periods of work, or all in one go. Parents can also choose to be off work together or to stagger the leave and pay. SPL is available to parents regardless of whether or not they work for the same company.

**Parental leave:** This is where parents can take extra unpaid time off work, beyond annual leave, for example: to spend more time with their child, to settle children into new childcare, to take children to medical appointments or to look at new schools. Eligible employees are entitled to up to 18 weeks' leave for each child, up to their 18<sup>th</sup> birthday. Parents can generally not take more than 4 weeks' parental leave in a year, and must give their employer 21 days' notice before the intended start date of the leave.

**Adoption leave:** Employees can take up to 52 weeks' Statutory Adoption Leave. The first 26 weeks is known as 'Ordinary Adoption Leave' and the last 26 weeks as 'Additional Adoption Leave'.

**Consultation:** Where management obtain the views of employees, often through their representatives, before management comes to a final decision. This is contrasted with negotiation, where the aim is for managers and employees to reach a jointly-agreed position, usually through a process mutual concessions and bargaining.

**Negotiation:** Management and employee representatives enter into negotiations with the aim of arriving at a jointly-agreed position, usually through a process of mutual concessions and bargaining. See also *Consultation*.

**Trade Union / Staff association:** An organisation of employees for the purpose of collectively maintaining and improving their working conditions. Unions / Staff Associations

may apply to the Certifications Officer to be listed as a certified independent Trade Union. Most large unions are affiliated to the Trades Union Congress (TUC). See also: Independence

**Independence (of staff association / trade union):** Means that the union / staff association runs its affairs independently of management. To qualify as independent, unions / staff associations must be registered with the Certification Office.

**Recognised union:** Where a number of employees have joined a trade union, a request for recognition may be made to the employer. Recognition normally confers upon the union the right to negotiate (or bargain) pay and conditions on behalf of its members. Negotiation normally takes place under a set of rules, jointly agreed by employers and the unions, which are set out in a collective bargaining agreement. A union could be recognised for negotiating pay and conditions at a workplace, even when there are no union members at that specific workplace.

**Collective bargaining:** The process of negotiation between unions / staff associations and employers in respect of the terms and conditions of employment and the rights and responsibilities of employees. The process necessarily contains negotiation, as distinct from consultation.

**Union representatives / shop stewards / TU representatives:** These are workers who act as representatives of the trade union / independent staff association at their workplace, while still being employed and paid by their employer. Also known as 'lay officials' they can be either shop stewards or branch officers. They are distinct from full-time union officials, who are employed by the trade union itself.

**Non-union employee representatives:** Employee representatives who sit on consultative committees or represent employees in other ways, but who are not affiliated with any particular trade union or its members. They may be union members themselves, but their role as a representative is unrelated. This would not include staff working in the HR department (unless their role as an employee representative is separate to their HR role).

**Acas:** The Advisory, Conciliation and Arbitration Service (Acas) was set up in 1975 as an independent, non-government agency. Its mission is to "improve organisations and working life through better employment relations". Acas provides an independent and impartial service to prevent and resolve disputes and to build harmonious relationships at work. Acas is not a trade union.

**Collective dispute procedures:** Method used to resolve disputes where a group of employees are involved. Organisations may have one or several different procedures covering topics such as pay and conditions, health and safety, and redundancies. The procedures will often include a provision for the dispute to be referred to an outside body or person in the event of the failure to reach an agreement at the workplace.

**Disciplinary procedure:** A procedure that is intended to govern the steps that should be taken when an employee is to be disciplined. The procedure may also indicate the types of misconduct that can be expected to lead to particular disciplinary sanctions.

**Individual grievance procedures:** A procedure that outlines the methods to be used to resolve employees' individual grievances. Typical grievances might include dissatisfaction with treatment by a colleague or manager, over pay, or working conditions. Issues will be systematically processed through different stages and levels. For example, the procedure might require the issue to be dealt with, in the first instance, by an employee's immediate supervisor or line manager. If no agreement were reached it may be that the individual concerned will be asked to put their grievance in writing, or meet with a more senior representative of the organisation. The procedure may include reference to mediation.

**Family-owned business:** For the purposes of this survey we define a family-owned business as one which is at least 50% owned ("majority-owned") by the family or business that set it up. This could include husband and wife teams.