

Employment
Employment Law Update
Rosling King LLP



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Acas published new guidance on performance management and treating staff fairly. It was published following research which found that only one in four organisations adapt their processes to consider staff with disabilities. The research findings also included one in ten employers said that their performance management system was demotivating for staff and only one in ten used their systems for planning and monitoring training and development.

The new guidance promotes the active consideration of workforce diversity and Equality Act provisions when assessing performance management arrangements. For instance, it requires employers to be proactive in making reasonable adjustments for employees with disabilities if the organisation's performance measures would otherwise disadvantage such employees. The advice also suggests discussing and addressing problems as they arise, in line with previous advice to deal with matters informally in the first instance, and offers tips for avoiding favouritism. The last is perhaps the most interesting as it highlights the fact that whilst simple favouritism, absent a discriminatory basis, would not be covered by the Equality Act it could still make the process unfair, and thereby and action ultimately leading to dismissal unfair. As with all ACAS guidance it is not mandatory for organisations to follow but failure to do so may put the employer on the back foot in a tribunal hearing.

To view the guidance please click here <http://www.acas.org.uk/index.aspx?articleid=6608>

For further information, please contact Jacqueline Kendal or the Partner with whom you usually deal.