

NEWSLETTER 111

APRIL 2015

COMPETITION AWARDS 2015

Having received the largest number of entries to the competition and with the judges covering the length and breadth of Scotland to carry out inspections, difficult decisions were finally reached. The list of winners and highly commended companies are below.

Thank you to all those companies who participated.

Winner - Contract Manager of the Year

Greg Harkness, Bell Group (UK) Ltd for the Interfloor Factory, Dumfries

Highly Commended - Contract Manager of the Year

Jamie Connolly, Mitie Property Services (UK) Ltd for Loretto School, Musselburgh

Highly Commended - Contract Manager of the Year

Graeme McDonald, D McDonald Decorators Ltd for Scholars, Clydebank

Winner - Historic Restoration Contract Manager of the Year

Mark Nevin, Mackay Decorators for St Andrews & St George's West Church, Edinburgh

Winner - Historic Restoration Project of the Year

Mackay Decorators for Golden Gates, Benmore Botanical Garden, Dunoon

Highly Commended - Historic Restoration Project of the Year

Bell Group (UK) Ltd for the Robert Burns Mausoleum, Dumfries

Winner - Project of the Year

George Nicolson (Decorators) Ltd for Woodhall House, Edinburgh

Highly Commended - Project of the Year

Mackay Decorators for Charlotte Square, Edinburgh

Highly Commended - Project of the Year

McLaren & Co Ltd for the De Vere Hotel, Aberdeen

If you have started a contract this year and believe it's suitable for next year's competition look out for the entry form coming to you later this year. Or contact us now and get your entry in early.

DRIVEN TO DISTRACTION

Employers increasingly rely on mobile phones and other hand-held devices to keep in contact with employees who are travelling. The temptation to send a quick text or email update to a colleague will usually get the better of those momentarily stopped at a set of traffic lights or stuck in a queue of traffic. This seems to be supported by the Department of Transport's recent findings that those using their mobile phones while driving are more likely to be sending texts or using the internet than making a phone call.



It is well established that using a mobile phone whilst driving significantly increases the risk of a driver being involved in an accident. It is for this reason that the use of a hand-held mobile phone while driving is strictly prohibited. Drivers can be hit with a

fixed penalty notice, resulting in three penalty points and a fine of £100, or worse, disqualification and a fine of up to £1,000. However, the use of hands-free phones is permitted but a driver can still be stopped if police believe they are distracted.

Moreover, health and safety law applies to on-the-road work activities as to all work activities and the risks should be effectively managed within a health and safety system. As a consequence, employers should be mindful of their responsibilities when contacting their travelling colleagues. This raises the question: how does an employer ensure that their employees are safely using their mobile phones whilst travelling for work?

One answer may be that employees should just use hands-free mobile devices and they'll be safe, right? Not quite. Research indicates that using a hands-free phone while driving does not significantly reduce the risk of an accident. It is the mental distraction of taking part in a conversation whilst driving that creates the risk.

So what else can an employer do? For starters, employers can:

- Assess the risks involved in their staff's use of the road for work and put together a Mobile Phones and Driving Policy.
- Emphasise to all staff, including senior managers, that no-one should make or receive calls, send or read texts or emails or surf the internet on a mobile phone, or any similar device, while driving.
- Remind staff (as part of recruitment, training or appraisals) about the dangers of using a hand-held or hands-free mobile phone while working.

- Review work practices to make sure staff are not pressurised or encouraged into using mobile phones whilst driving.
- Lead by example. Senior members of staff should lead by personal example by not using a mobile phone while they are driving.

Employers cannot guard against all eventualities but it is important that they make their staff aware of the dangers of the short but urgent update when behind the wheel.

SOCIAL MEDIA 101



It is safe to say that social media has transformed the way modern business is conducted. It has been a catalyst for change in the language and landscape of commerce as the rapid growth of Facebook, Twitter, LinkedIn and a myriad of other platforms has turned traditional methods of business communication upside down. Such a drastic digital revolution has brought just as many challenges as opportunities for organisations aware of the risks posed by being too close to the cutting edge, but equally as anxious not to be left behind.

Characterised by an immediacy and informality, the straight to the point, succinct style of most social media sites can sometimes seem to set a pace which organisations and their employees struggle to sustain. But the potential such platforms offer in terms of promoting a positive public image of a business or brand and for sharing information in an incisive and innovative manner, means that a patience and persistence in understanding the nuances of their use can bring tangible rewards.

Different businesses will have differing views on the strategic importance of social media in the context of their culture and creative output, but all are surely now recognising that it should feature somewhere within their communications framework. For organisations keen to embrace the opportunities offered by these alternative communication channels, there are certain key considerations in ensuring effective administration of a social media strategy.

- From the outset it is crucial to ensure you have clear, formal **privacy policies and terms of use** for any social media platforms or services the business offers or allows access to. Provided these do not impose unnecessary or impractical restrictions on employees they should be effective starting points for your overall framework.

- Thereafter you should provide **comprehensive guidance and training to all employees** on business-related use of social media. People are often overlooked as the most vulnerable link in the technological chain – education, awareness and open discussion are the foundations of a productive and positive social media strategy.

- Providing parameters for personal use of is trickier, but **making employees aware of acceptable use of social media inside and outside the workplace** is similarly important so that an organisation or employee doesn't do unintentional damage to one another.

- Where the platform in question allows, features, or is built upon, **user generated content**, a suitable understanding of the risks involved, your responsibilities relating to content accuracy and appropriateness, and the **necessary safeguards** you must

have in place are all key elements in establishing an effective forum.

- **Disclosure of material** connections with third-party vloggers or bloggers who may be involved in promoting products or services is now a requirement, providing transparency to prospective customers.

- **Maintaining an awareness of cyber-security vulnerabilities and threats** is critical, especially where identifiable personal data is a part of any service used or provided by an organisation. Ensuring security structures are set up to withstand.

- **Making sure the personal data of third parties or employees is not used for promotional or commercial use without consent** is a major part of overall data protection responsibilities. Implementing a 'privacy by design' approach as part of any social media activity will ensure social media slip ups are minimised.

- Being very **cautious in conducting any due diligence on prospective employees** via social media services or relying upon unverified information uncovered on the internet is essential.

Adhering to these simple rules for social media in a business setting will help protect and promote this fundamental resource as an appreciable asset rather than a lingering liability.

GAME OVER – OFFENSIVE PRIVATE TWEETS MAY BE ENOUGH FOR FAIR DISMISSAL

A recent EAT decision concerning offensive tweets made by an employee on his personal twitter account, said that the Employment Judge should have taken account of the public nature of Twitter when deciding whether the employee's dismissal was fair.

Mr Laws was employed by Game Retail Limited which depended on social media for marketing. He set up a personal twitter account in order to follow these stores. A number of the stores reciprocated the "follow" without encouragement.

Laws found himself the subject of disciplinary proceedings after he posted offensive, non-work related comments on his twitter account, which were reported by another employee to Game Retail. Subsequently, Mr Laws was dismissed for gross misconduct for posting the 28 offensive tweets to his private account.

Mr Laws made a successful unfair dismissal claim against his former employer. Game Retail appealed the decision to the EAT, on the basis that it had made a reasonable response to Laws' gross misconduct and that its disciplinary policy was clear – such actions could amount to gross misconduct.

The EAT allowed Game Retail's appeal and sent the case to a fresh Tribunal to consider the reasonable response and sanction for misconduct. The Appeal Judge held that although the comments were made on Laws' personal twitter account, the fact that many stores followed him on this account meant that a significant number of customers could have seen the offensive tweets. This could have caused reputational damage to the business, and there was no requirement to show that offence was caused by the tweets. It found that Twitter is a more public forum than Facebook. The "*range of reasonable response*" unfair dismissal test was applied by the EAT. It also indicated that unfair dismissal cases in the context of social media usage are dependent on the individual facts.

The EAT refused to provide general guidance on wider social media use, however, the case provides some useful further insight on the do's and don'ts with regard to private postings on public social media platforms for employees and employers.

Policies about messages on social media should be made clear to all employees. The most effective way of doing this is through a social media policy which clearly states what is acceptable use of social media, inside and outside the workplace; and what is not. Employees should be aware of the possible sanctions if they breach the policy.

Monthly Bulletin of Indices

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
2005	711	713	713	713	713	714	769	769	769	768	769	770
2006	769	770	770	769	769	769	793	794	793	793	793	793
2007	793	795	795	795	795	795	824	825	825	825	826	826
2008	826	827	827	831	831	832	874	874	874	873	873	874
2009	874	875	874	874	875	875	875	875	875	876	876	876
2010	876	878	878	878	879	879	879	879	879	879	880	880
2011	880	885	885	885	888	889	898	898	909	908	908	911
2012	910	911	913	912	910	912	912	914	915	915	924	924
2013	939	940	943	942	941	938	937	937	938	937	937	937
2014	941	941	942	941	941	941	961	961	961	960	960	962*
2015	961*	961*										

*Provisional