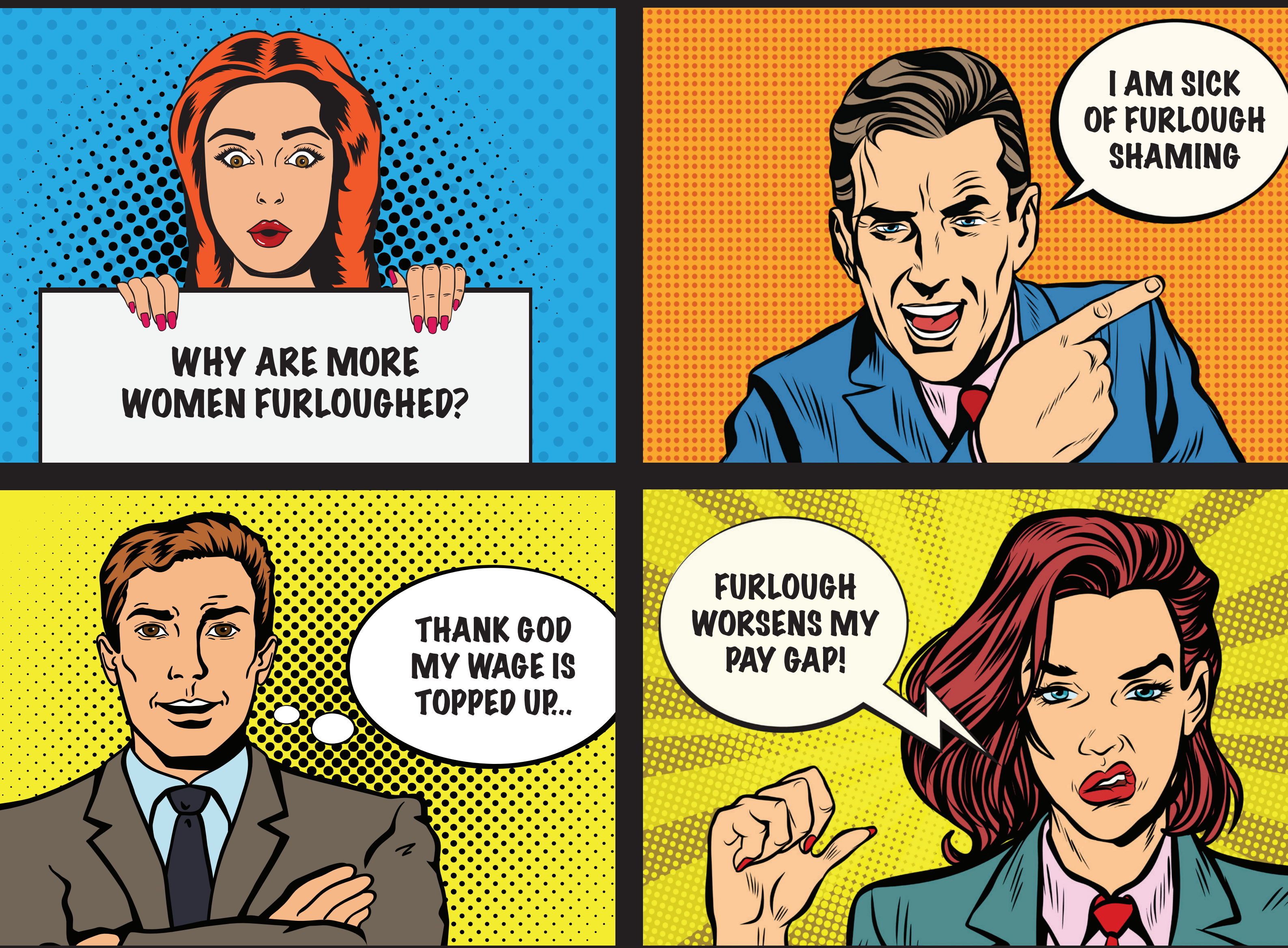
# REWARD STRATEGY

INCORPORATING PAYROLL WORLD
Issue 225

# HOW FURLOUGH DIVIDES THE WORKFORCE



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# BE KIND IN THE "NEW NORMAL"

Amber-Ainsley Pritchard

According to the Office for National Statistics, 62 percent of us are commuting back to the office for work.

As we enter October, many of us have been working from home for more than six months. So it's hard to imagine being back in an office full-time, or even a for few days a week (no more Monday morning meetings in sweatpants or PJs?).

However, it is important that we return to some of our old working ways, but we must remember, going into the final quarter of 2020, there is a "new normal".

We need to take the time to adjust and find a new balance. Some workers with anxiety may have enjoyed fully working from home, while others suffering from loneliness or depression are likely to have been negatively impacted.

> "Why are mental health first aiders not a legality?"

Therefore, it's important to be kind to everyone on our return to the workplace. We don't know what our peers have been going through in this unprecedented time, which leads me to echo a point that Ian Hodson, head of reward at the University of Lincoln, brought up at the Payroll & Reward Conference (p22): It is mandatory all workplaces have a certain number of physical first aiders, but not mental health first aiders. In 2020, when wellbeing has been high on everyone's agendas for a number of years, and a global pandemic has seen the number of people with mental health issues rise, why are mental health first aiders not a legality?

If you have any thoughts on this topic, or any others, please get in touch via email: apritchard@shardfinancialmedia.com

In the meantime, I would like to highlight that the Payroll & Reward Conference - which was held during National Payroll Week - was our first ever event run digitally! Thank you so much to those of you that attended and had so many kind words to say.

As more local lockdowns and starting to set in and COVID-19 cases begin to rise again, we have decided to take the Reward & Payroll Summit and The Rewards digital. We don't want to put anyone at risk and in a year when it's unlikely that we'll all be able to come together in a physical form to celebrate, we don't want anyone to miss out. Please visit reward-strategy.com for more information.



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# THE FUTURE OF REWARD

COVID-19 has accelerated a lot of trends across the rewards spectrum. Microsoft's Tim Robertson explains what future strategies could look like

"Microsoft offered paid leave for parents when schools closed during the pandemic"

**Tim Robertson**
***Microsoft***

Writing about reward during COVID-19 may be a little presumptuous, but it has accelerated a lot of trends across the rewards spectrum.

For those of us that have been reading about "the future of work" these past few years, the future is all of a sudden upon us.

At Microsoft UK, we have – as you may expect – for the most part found adaption to this new way of working to be more of an evolution, than a revolution (a large portion of our UK workforce was already "distributed"). However well we may understand the technology, and we are clearly used to using Microsoft products, such as Teams, as part of our day-to-day lives, the cultural and behavioural aspects of this change have still taken us time to adapt to. In a purely practical sense, we have learned some lessons also.

This article tries to capture a few of our learnings and summarises what we feel are important considerations for the (accelerated) future of reward:

**A holistic approach to rewards**

It is, and will become even more so, important to talk about rewards in the holistic sense. Employees, both prospective and current, should have a clear understanding of their compensation, benefits, wellbeing and all associated supporting policies including leave, learning support, discounts and so on.

It is often the more fringe elements of the reward offering that can make a big difference to an employee, and they immediately become less in the fringes if they are not up to scratch. They have also become more exposed during COVID-19.

Ensuring reward is up to scratch has proven essential in the tech industry, which has lost none of its competitive edge during the crisis. Particularly well received, has been Microsoft's offering of 12 weeks paid leave for parents of children that have seen schools closed during the pandemic.

**A benefits and wellbeing strategy**

Over the past few years, employee wellbeing has moved from "nice-to-have" to "essential", and the current crisis has accelerated this dramatically.

Employers are increasingly realising they have obligations way beyond the shareholder, hence the rise of environmental, social and governance considerations. Without a clear approach of how employers intend to support employees in taking care of their – and their families' – wellbeing, they will lose in the war for talent. This strategy needs to help tell a simple and clear story to employees (both prospective and current), and cannot just be a set of bolt-on and peripheral products or services.

At Microsoft UK we have an established wellbeing strategy, and we are currently implementing a UK benefits strategy that pivots around sustainability, diversity and inclusion, and work/life support.

**Offering benefits or access to services**

One important aspect of looking to the future is deciding how you want to deliver your wellbeing and benefits strategy.

If you have thought-through your future workplace (i.e. back to an office, remaining distributed, or a hybrid approach), then you can make some decisions about how you deliver your benefits.

Does it make sense to offer location-based benefits? For example, if most staff are based from one location. Or, would this exclude some of your employees? A subsidised canteen and electric car charging points might be great, but if you have employees that won't likely visit your office, are they really the best benefits to deliver? How about access to a gym or childcare facilities, what would these look like in a distributed world?

If you decide to deliver location-based benefits; do your employees suddenly

“The future is all of a sudden upon us”

lose access to a large proportion of their benefits if they are not working in an office?

If your future workplace involves some distributed working, it makes sense to consider some home office support for employees. However, how far you go here will depend on exactly what this future workplace looks like to your organisation. Does this mean it might be time to consider cash/reimbursements for employees to source their own services? Historically these have not been the most tax efficient way to deliver benefits, nor do they allow you to take advantage of an organisation's buying power, but this may become more inclusive in a more distributed workforce.

**Strong health and medical benefits**

It seems likely to me, and it may seem obvious in a health crisis, that the outcome of recent events will lead to a greater focus from employees on their and their families' health.

Offering reactive insurance plans will be important, but not enough – and many insurance providers have been realising this for some time. Preventative health and medical services, including screenings, check-ups, access to virtual/physical exercise classes, will all become critical in attracting and retaining employees. They may even become more important than the compensation elements of the package.

**Flexibility**

Another area of some organisations' reward packages that have been somewhat exposed during the crisis has been flexibility.

COVID-19 has clearly created a divergence in impact across industries, organisations and individuals – some groups doing relatively well, others not so well.

The ability to make changes to reward elements, such as to increase pension contributions, join employee share plans, halt payments for certain benefits and even insurance products no longer valid, have all been exposed somewhat.

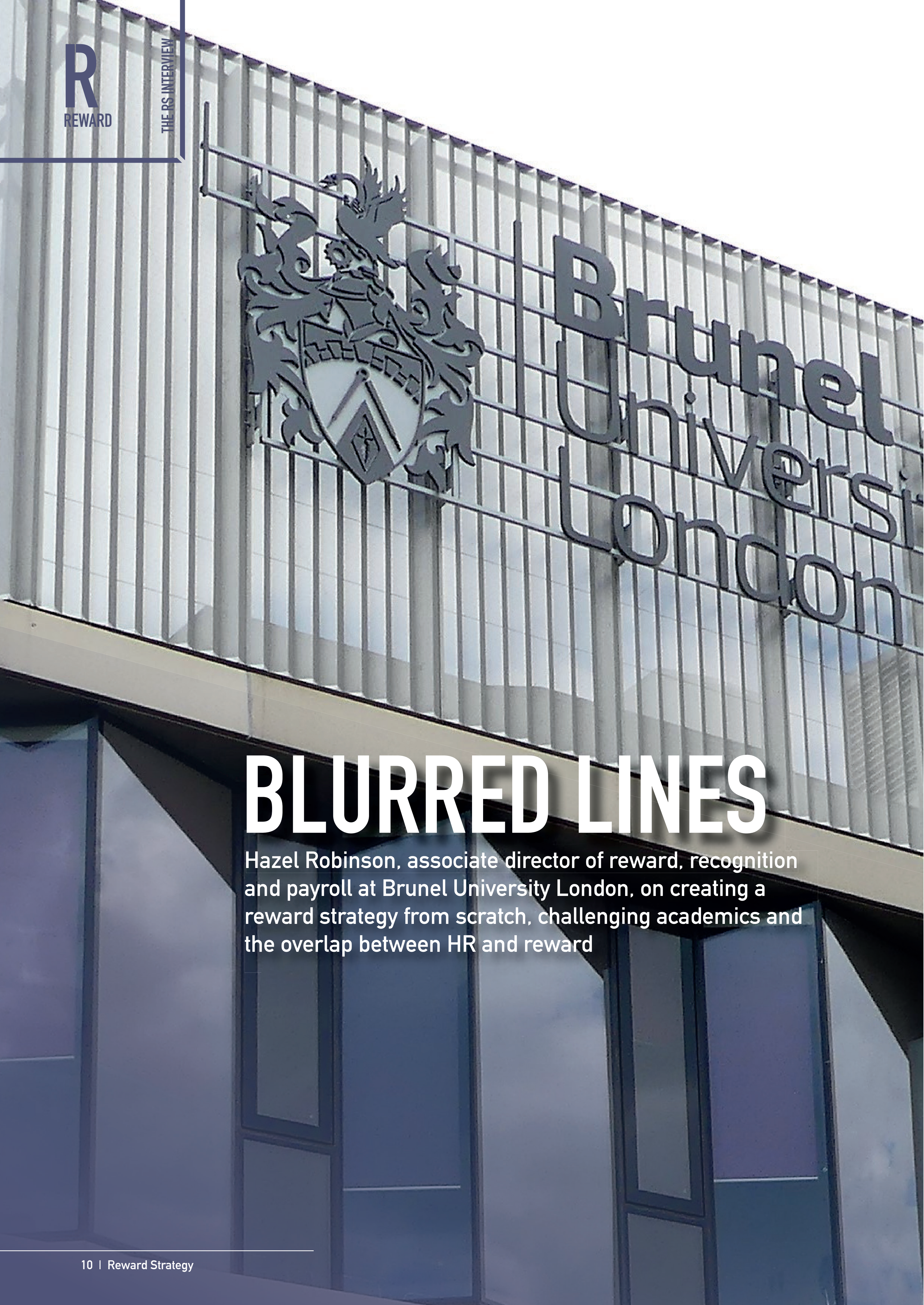
Microsoft UK has a flexible benefits programme and although it has allowed employees to make changes and take-up certain services, it has also proved to be slightly limited during these times.

Increasing flexibility can be a good thing, but it should be well thought-through. Allowing employees to trade-away or trade-down some core or important benefits, in return for some less core/important ones may not align with your strategy. Therefore, clearly deciding on where this flexibility would help support employees, and communicating this well, is an important step.

Many of us will be at the early stages of thinking-through the future of our workplace, and the reward and benefits strategies that we need to create the environment our employees expect of us.

Like me, I'm sure many of you have spent a lot of the last few months in a more reactive mode, however I hope this article gives you a few pointers to the discussions that should take place within your organisations as we look to shape the future of reward. ■

*Tim Robertson, UK compensation and benefits leader, Microsoft*




# BLURRED LINES

**Hazel Robinson, associate director of reward, recognition and payroll at Brunel University London, on creating a reward strategy from scratch, challenging academics and the overlap between HR and reward**

At the time of writing, the possibility of another lockdown is feared by many as the number of COVID-19 cases begin to increase. However, the UK is determined to crack on in the "new normal". Students are finally back in education, with schools and universities re-opening in the past few weeks.

The education sector is one of the few areas where a reward and wellbeing strategy can be repurposed for both its employees and the audience it serves - students.

On a video call, Amber-Ainsley Pritchard spoke with Hazel Robinson, associate director of reward, recognition and payroll at Brunel University London, on creating a reward strategy from scratch, challenging academics and the overlap between HR and reward.

"Academics push you, they challenge you, they question everything"

**ALP: How did you come to work in reward?**

HR: "Like many people, I fell into HR. I was working as a secretary and one day, when the HR manager wasn't well and was dealing with a very unwell mum, my boss just said to me 'can you look after HR?'. So, I did. And that was it. That was my first taste of it.

"I left my secretary role to take on working in HR and since then, opportunities have just made HR blur those lines, between what's reward, HR and payroll, what is wellbeing and global mobility. They're all so interrelated. I never saw defined lines. As I progressed up the career ladder, I just did stuff that made sense and that stuff then started including evaluating job descriptions, determining pay structures, correlating payments with performance, engaging employees and incorporating wellbeing. All of those things just fell into place, so I'd say I fell into reward and didn't even notice it."

**ALP: You've spent much of your career in the education sector, is there something specific about that area you like?**

HR: "I think the personality of those working in education keeps you attracted, it's one of those environments that you either embrace wholeheartedly or run for the hills - and you know pretty quickly which you're gonna do. I really love it. I don't think we give credit outside of education; we don't credit the transferability of the skills you learn in the education sector.

"In most environments, you have your professional services and then you have whatever the specialism is that you deliver. In higher education, it's education. Academics are really, really special people. They are a law unto themselves and they are fantastic to work with - they push you, they challenge you, they question everything. So, when you're doing a professional service in a higher education environment, you're constantly being pushed to deliver better, to get it right. If you deliver a report, believe me, they will check your figures. If you come up with a new initiative, they'll challenge what research has gone into it. Once you get sucked into that environment, it's just so exciting."

**ALP: I'm sure you probably have professors that study elements of reward and want to know what the university is doing there. Would you agree?**

HR: "Yes, absolutely. The converse is also true, we have people who teach HR, who know it so well theoretically, but there's a gap to that deliverable - putting it in place and the experience that you gain out of that. I think there's a nice challenge there as well. When I was supporting the business school and working with some of our academics that teach HR, it was kind of like 'yeah, but that doesn't work in practice'."

**ALP: What does your team look like?**

HR: "My team is basically split into two bubbles at the moment, the payroll team and the reward and wellbeing team. However, one of my very keen ambitions is to stop payroll looking like an admin function, something that clandestinely happens in the back office. It's so important that we appreciate and understand what comes out of payroll up at a strategic level because of its influence into reward, engagement and employee retention and attraction. I'm changing the payroll team members titles to become 'reward administrators', so they can start thinking of themselves more as reward."

**ALP: So, reward and payroll sit under HR?**

HR: " We sit alongside HR operations, as well as the business partnering unit, equality and diversity, and staff development, but we all report into the HR director.

"Gemma Bailey, our HRD, is brilliant. She's really inspirational as a leader and is a really good boss. Gemma leaves me with quite a lot of carte blanche. I think she'd love to help me temper some of my enthusiasms, but realises it's not that easy."

**ALP: How many people does the pay and reward function serve?**

HR: "We've got around 2,500 people that we pay each month, but that fluctuates hugely because of our hourly paid lecturers and the students that we pay through our job shop etc. We also have extra staff during exam season to pay. In total, on the books, we've probably got about 4,000 people."

**ALP: What's the relationship like between the pay and reward and HR teams?**
HR: "We're quite lucky that we are a really good team. We are a team full of women, apart from one guy who is temporary, so we are like a group of sisters that disagree and argue sometimes, but it's only because we care."

**ALP: The reward team didn't exist until you created it in 2018, is that right?**
HR: "Yes. Reward was born in August 2018 and it's been reasonably tough to demonstrate the dependability that we need to have. It's a work in progress and it's not something that you can just fix overnight, it's something that needs to grow.

"I think that starting from scratch has had its advantages. There's quite a lot of bureaucracy in higher education, which is normal, but things happen slower. So the fact that we've managed to do things as quick as we have has been quite remarkable.

"When I get frustrated, our deputy HRD says to me 'just think of all that you've done'. We have a seat at the remuneration committee, it's non-participative but we have a seat in the room and that is phenomenal. Our wellbeing contribution has a seat at the university senate, which is something brand new and amazing to have wellbeing being recognised at that level - you don't get any senior than that.

"I'm so proud of everything we've done around health and wellbeing - especially the menopause. We went live with our menopause chat cafes in February and have still managed to run them virtually over lockdown."

**ALP: How has the university been impacted by the pandemic?**
HR: "It's put wellbeing very, very high on everybody's agenda and the nice thing about it is it's created a few additional cohorts of concern. Recently, there's been a huge amount of concern with COVID around our Black, Asian and minority ethnic (BAME) population which is fantastic because it's raising a profile over equality, diversity and inclusion, which we need to respect in any event, but it's raised it in a really gentle wellbeing perspective.

"It's about having those conversations around ethnicity, disability and/or gender, and not fearing those conversations as many managers do.

"Reward has had a lot on its plate with wellbeing and just with creating an environment that's supportive."

> "I fell into reward and didn't even notice"

**ALP: Is there any other group of employees you have been worried about during lockdown? Research shows Gen Z are worried about the least.**
HR: "Other than our BAME population that has come to the forefront, we're treating anyone who feels an additional anxiety as a result of being Black, Asian or of a minority Ethnic in the same category as the more vulnerable, who are recognised by the government. Whilst they are not on the government's list or guidelines, we've included them in that population.

"We have an incredibly diverse university, our student base is incredibly diverse, so that was an area that we felt merited a lot of additional support. But, it is generally about recognising each person's individual discreet needs. An organisation has to give the support to the management to be able to do that, and it has to give the confidence to the employees of an environment that they can raise any individual concerns."

**ALP: There's also been research to show the most recognised form of discrimination is workplace is ageism. Has this been an issue for the university?**
HR: "Our equality, diversity and inclusion team is really good, they've been looking at a lot of different strands of diversity


to provide support to. I would say the more recent area they have focused on is transgender, and providing support to people who may be contemplating that transition, right through to going through transition, through to be transitioned whether it's physically or not, and I think that's been very positively received.

"I think as an institution with a slightly higher than average age, we're probably less likely to be impacted by ageism in terms of policy, and we haven't done anything specifically looking at age. In terms of our pay gapping, we've focused predominantly on gender and diversity and disability and ethnicity. Disability is still very difficult because not everybody discloses.

"Age hasn't been a high area of focus, maybe it should be."

**ALP: I guess that part of the diversity and reward strategy can be translated into guidance for students. Reward serves employees as if they were customers, but you actually have customers in the form of students too.**

**HR:** "Of course, but I think it comes down to behaviours across the board. What behaviours are encouraged, supported and frowned upon. Going back to COVID, part of our return to campus efforts have been to create a pledge for students to sign up to about the expectation of behaviours.

"We are also including something similar, but in the form of a statement, for employees. It's around respect and calling out other people's behaviour. It's very COVID-focussed at the moment, but it will sustain long beyond that because it is about respect.

"It's about, if you see somebody doing something that isn't right, how do you approach them. As a staff member you've got more responsibility, but as a student you can kind of leave the situation and go somewhere else to get it dealt with. As a staff member you're leading by example, so your behaviour is even more important, not only in dealing with that circumstance, but how you act day-to-day to become a role model for others." ■

*Amber-Ainsley Pritchard, editor, Reward Strategy*

## Hazel Robinson: THE CV

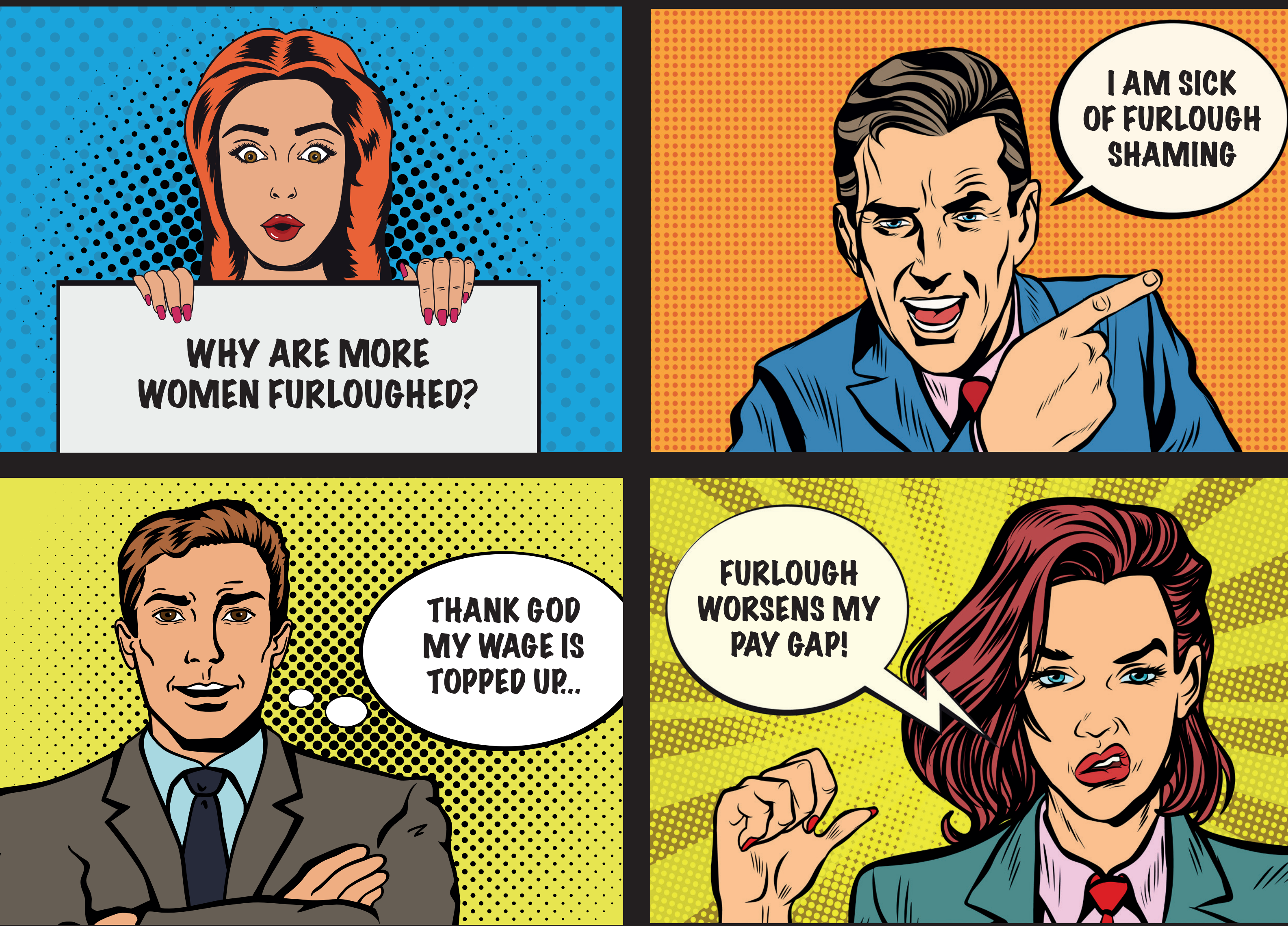
**Associate director of reward, recognition and payroll**
Brunel University London
August 2018 - present

**Various HR roles**
Brunel University London
October 2016 - August 2018

**Various HR roles**
Leeds Beckett University
Jan 2015 - August 2016

**Executive manager - employee relations**
American University of the Middle East
June 2012 - Sept 2014

# HOW FURLOUGH DIVIDES THE WORKFORCE



REWARD 300 Contributors

**Amber-Ainsley Pritchard**
*Reward Strategy*

The COVID-19 outbreak has brought about a severe economic recession. The Coronavirus Job Retention Scheme (CJRS) has provided a lifeline for businesses and staff during that recession, but it has created problems that may linger some time.

At the time of writing, 9.6 million jobs have been furloughed with the total value of claims reaching £35.4bn. However, recent research from economists at the universities of Cambridge, Oxford and Zurich, has found that "not all workers are furloughed equally".

The structure of the CJRS has, inadvertently, left gaps and divisions across workforces. In some cases, according to the study published in August 2020, it can exacerbate pay gaps and other differences among genders and ages in the workplace.

Using real-time, independent survey evidence from April and May this year, the research aimed to shed light on the operation of the CJRS - including which workers were most likely to be furloughed and the terms of their furlough.

The researchers explain that as little is known about the operation and effectiveness of the scheme, it's difficult to assess when it should optimally end and the degree to which furloughing should feature in the policy response to any future waves of infection.

They also said that the scheme leaves much room for employer discretion in the terms on which workers are furloughed, so it's important to examine whether the exercise of such discretion is reducing or exacerbating existing dimensions of labour market inequality.

Here, *Reward Strategy* analyses the research, titled "*Furloughing*", and finds out how reward professionals believe employers can address any imbalances the scheme has inadvertently created.

**Terms of furlough**

The paper documents the differences in the terms under which workers are put on furlough, including whether employers have agreed to top-up their employees' salary beyond the state contribution.

The top findings show that women were more likely to have been furloughed compared to men doing the same job.

Workers on varying hour contracts, both if the firm or the worker decides on the schedule, are significantly more likely to have been furloughed.

Finally, the probability of being furloughed is u-shaped in terms of age, with young workers below the age of 30 being the most likely to have been furloughed.

**The decision-maker**

Respondents to the research were asked to identify whether the decision to be furloughed was "fully (their) employer's decision" to "fully (their) decision".

The results found that women are more likely to have initiated furloughing, and this is mainly driven by women with children at home who are much more likely to have initiated furloughing than men with children.

The economists explained that these results highlight an important gender gap in the impact of the pandemic and are consistent with findings that mothers are spending significantly more time on childcare activities than men during the pandemic, at the expense of paid work time. However, the research finds no gender gap in the furlough decision amongst childless workers.

**Topping up**

As part of the research, furloughed workers were asked whether their employer topped up their salary beyond the level provided by the government.

Of the respondents, 70 percent received a discretionary salary top-up by their employer.

Workers on higher incomes were more likely to be topped-up, as well as workers with self-determined hours - economists said this may reflect a reward for greater autonomy.

Women and those on low incomes were less likely to have their wages topped up.

**Rule-breakers**

Despite the initial CJRS guidance, that employees on furlough were not allowed to carry out any work for their employer, the research found that the majority of workers continued to do some work while furloughed.

Amongst furloughed workers who could do at least 50 percent of their job from home, only 17 percent reported working zero hours. Of those working on furlough, they were working around 75 percent of their typical hours, but some were working more than usual.

As for individuals asked to carry out work while on furlough by their employers, this figure reached close to 20 percent.

In total, the research found that the number of furloughed employees who continued to work - whether it be their choice or that of their employer, was 63 percent.

Although firms technically broke the terms of the scheme, when furloughed employees continued to work, the economists said it has likely been welfare-improving as organisations will have had more flexibility in maintaining essential business activities and the rate of human capital depreciation should have slowed. However, the economists added, it has introduced horizontal inequity between compliers and non-compliers.

As of late August, workers had filed 8,382 claims with HMRC to report that firms had been fraudulently taking furlough money from the government. However, HMRC has since announced that it has identified 27,000 "high risk" cases that contain disparities with the data they hold.

HMRC's chief executive, Jim Harra, has also revealed that as much as five to 10 percent of furlough money could have been wrongly given, equating to between £1.75bn and £3.5bn, based on their own risk assessments.

"There is a real risk women could be forced out of the labour market"

The employers in these identified cases will now be contacted by the end of November as part of a government campaign. It follows action which began in August, when approximately 3,000 businesses were contacted about their claims and asked to get in touch.

At the time of writing, three arrests have been made in connection to alleged furlough fraud.

In one recent case, a West Midlands man was arrested on suspicion of £495,000 furlough fraud, as well as a London-based male accountant and female company director suspected of £70,000 furlough fraud.

**The future of furlough**

The economists explained that the research results have important implications for the design of the UK furloughing scheme and short-time work policies more broadly.

First, they said that short-time work schemes should allow employees to work on a part-time basis - something that was initially not allowed by the UK's furlough scheme.

The paper explained that flexibility is a key reason to prefer short-time work schemes over recall unemployment. It found that the duration of support is a crucial parameter of short-time work schemes and that such policies should be active long-enough to prevent inefficient layoffs from firms in temporary hardship. However, they should not subsidize low-productivity matches indefinitely and thereby hinder efficient labour market reallocation.

The research results suggest another dimension to consider. Crucially, the duration of the furloughing scheme should be sensitive to continued disruption in schooling and childcare. Mothers have been more likely to request to be furloughed and the paper explains that there is a real risk these women could be forced out of the labour market, if the furloughing scheme ends without viable childcare options being available.

Therefore, *Reward Strategy* asked reward managers how employers can encourage more men to take on childcare responsibilities.

Ian Hodson, head of reward at University of Lincoln, said organisational culture needs to be flexible in the ways it measures output, not by presenteeism, and supports agile working.

He added: "It's the role of every employer to make sure childcare is equally accessible to all."

Amiel Barrimond, global head of reward at Travelex, said: "Kids are a choice. Someone has to not work and stay home to look after them – be that male or female. Society's expectation is 'it will be the woman'."

He added: "I don't think it's men that are the problem, I think it's down to employers' mentality as we still live in a very sexist society. The employer expectation is that the woman will just go off and stay home to take care of the child/children.

"There are many layers to consider, however, predominantly, one consideration is to pay women and men equally. This will then lead to equal footing for choice in relation to a breadwinner on the home front." ■

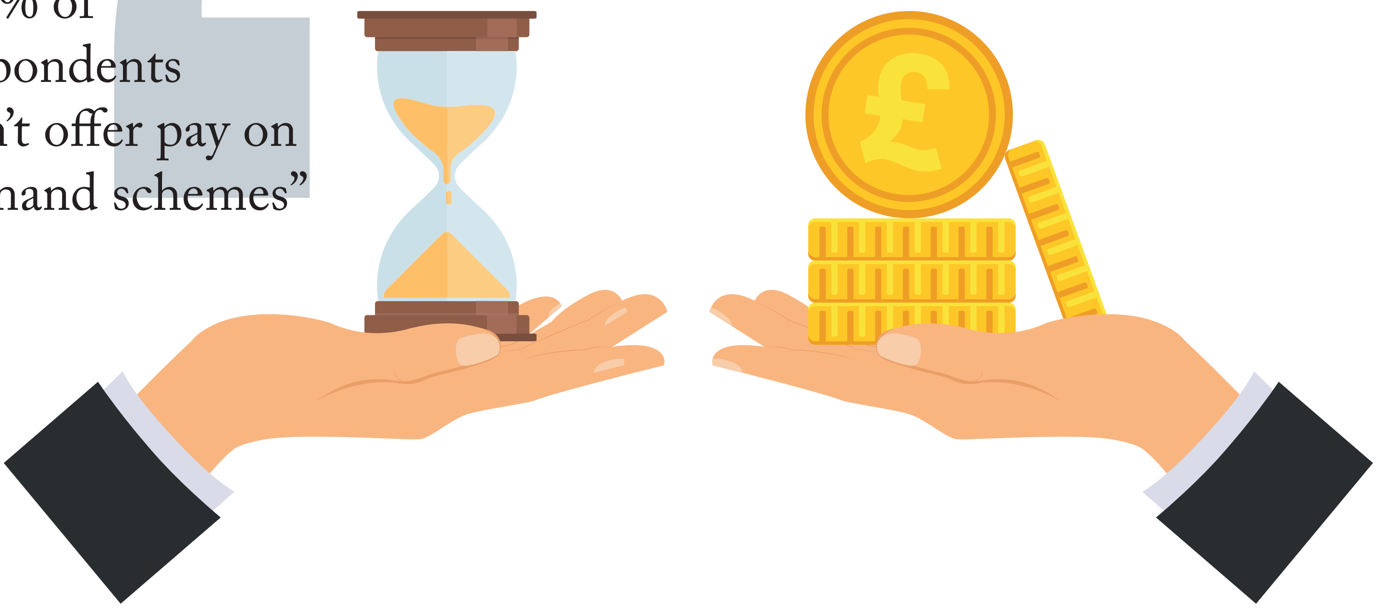
*Amber-Ainsley Pritchard, editor, Reward Strategy*

# TO PAY, OR NOT TO PAY ON DEMAND

The CIPP's Lora Murphy weighs up the pros and cons of salary advance schemes

Lora Murphy
*CIPP*

"97% of respondents don't offer pay on demand schemes"



The Financial Conduct Authority (FCA) recently published an article that looked at the risks and benefits of Employer Salary Advance Schemes (ESAS). Therefore, it seemed like an opportune time to expand on the advantages and disadvantages of schemes of this nature.

Often referred to as "pay on demand" schemes, these arrangements allow employees to access a portion of their salary prior to their contractual payday, quite often for a fee of some description.

Whilst many welcome this option, and believe it is a good alternative to high-cost credit, there are some that are highly sceptical of the schemes and believe that they promote an unhealthy cycle of perpetual debt.

The FCA's report placed focus on the fact that ESAS can really help employees if they are utilised in an appropriate way. They can be an effective method of addressing unexpected expenses, such as the breakdown of household goods, or for more short-term cash flow issues. It is important that, when using such schemes, employees remember that the amount they have received in advance of payday will be taken from their next net pay figure, so they will receive less than the normal amount that they would receive. They need to ensure that they can still afford to pay their outgoings and any other expenses that they have committed to using this lower amount. If an employee struggles to do this, then this could signify that there is a deeper, underlying financial problem which a salary advance will not serve to resolve. Employees in this situation may require more comprehensive advice, and access to a salary advance scheme may not be appropriate for them and may actually turn out to be detrimental.

> "Some believe the schemes can promote an unhealthy cycle of perpetual debt"

**Cycle of debt**

Employers and employees must consider how an accumulation of charges may affect an individual should they continuously access the service. This is in addition to the fact that the individual will already be receiving a lower pay packet due to use of the scheme, further dented by consistent charges.

Ordinarily, employees will have the option of making multiple drawdowns each pay cycle and then in subsequent pay periods. This can result in an employee becoming reliant on pay on demand schemes, as they receive a lower net pay amount on their contractual payday, meaning that they run out of funds prior to the following payday and have to access an advance of pay again - creating a cycle of advances and associated fees.

**An unregulated product**

There are a number of other risks that employers and employees should remember prior to offering, or using, these schemes.

ESAS frequently operate outside of credit regulation, which means that there are no regulatory and statutory right protections that can be applied. It also means that the high-cost short-term credit price cap on charges is not applicable, and the Financial Ombudsman Service will not have the facility to investigate any complaints.

There is also some opacity surrounding the cost of ESAS. Although the transaction fees might appear to be reasonable and relatively low in cost, there is a difficulty in comparing this to other credit products, which may actually give borrowers a better deal. This is particularly relevant for individuals who

“There are no regulatory protections”

access the schemes frequently, resulting in the escalation of overall charges.

**How employers can help**

In recognition of concern around escalating fees, and an employee's ability to pay them, a number of scheme operators are looking into creating models where an employer bears the cost, with no associated fees for employees.

In its recent report, the FCA made several recommendations for employers and scheme operators to ensure that they encourage and facilitate responsible lending, should they offer pay on demand schemes to staff. They were as follows:

- Advice could be provided by scheme operators on the employee section of their websites or within the relevant apps, to advise employees with underlying financial problems to seek financial help from a debt advice charity, as an advance won't resolve deeper financial issues.
- Upon introducing employees to pay on demand schemes, employers should consider addressing and highlighting the limitations of a salary advance and signpost them to financial advice bodies who can help them with their debt. This is particularly relevant for employees who begin to access the scheme on a regular basis.
- Employees could be sent notifications, should there be a build-up of transaction charges, to promote financial awareness.

Scheme providers could also monitor the pattern of usage of advance schemes for employees and where there is repeated use, or the indication of increasing financial difficulties, alerts could be sent to provide employees with the details of organisations that offer free debt advice.

It would be fair to assert that whilst pay on demand schemes may help employees who are experiencing short-term, or unexpected, cash-flow issues, employers and scheme operators must endeavour to educate people on financial wellbeing, as a whole, and to alert them to potential issues that use, and particularly extensive use, of these schemes can cause.

The practice is popular within the hospitality sector and it appears to be working well, but is yet to gain as much popularity within any other of the sectors.

In a recent CIPP survey, 97 percent of respondents stated that they did not offer pay on demand schemes to their staff and 66 percent had no intentions of providing it in the future, but this attitude could potentially change.

It is interesting to see changes to traditional methods of pay, as the world of payroll constantly shifts and evolves to adapt to the needs of contemporary society, and to see if pay on demand schemes will increase in popularity over the coming years. ■

*Lora Murphy, policy and research officer, CIPP*

# BE FLEXIBLE OR FAIL

***Reward Strategy*** **highlights the key learnings from the Payroll & Reward Conference, which was held virtually for the first time ever**

L-R: Sir David Lidington; Megan O'Shaughnessy, BT, with Amber-Ainsley Pritchard, *Reward Strategy;* Ian Hodson, University of Lincoln; Richard George, The Payroll Centre, with Pritchard

Furlough, flexibility and the future of payroll were the key topics explored at the Payroll & Reward Conference, ran in partnership with The Payroll Centre.

The conference, sponsored by Ceridian, Cintra HR & Payroll Services, SD Worx, Frontier Software and the CIPP, was hosted live from a studio looking out over Tower Bridge, London, during National Payroll Week on September 8 and 9.

This was the first time *Reward Strategy* has ever hosted an event digitally and feedback has been incredible, with many of the 200-plus pay and reward professionals that watched the event saying it has "set the benchmark for digital conferences".

The event platform used to run the conference, Brella, offers virtual networking and those that attended engaged in 130 meetings. Brella can also be used to view the content on-demand.

Throughout the two-day event a range of sessions took place from a total of 25 speakers, including:

- The importance of business continuity plans;
- How to encourage the next generation of payrollers;
- HMRC's view on technology and the gig economy.

Here are three of the key learnings *Reward Strategy* took away from the event:

**No more furlough**

The event was kicked off with a keynote focussing on the economy and employment, by Sir David Lidington, former MP and minister for the Cabinet Office.

Although 10 percent of workers are still furloughed, the former MP believes the chancellor of the exchequer will be "deeply reluctant to extend furlough further" and that both the chancellor and Treasury will "fiercely resist a second national lockdown, as they can see the economic damage that would cause".

He also said that the chancellor needs to come forward with a "clear and believable plan" of how he is going to get public finances back in order. Unlikely to happen soon, as the economy is still reeling from the shock of the pandemic, Lidington said he would expect to see a plan put together in the next six to 12 months.

He added: "We can't expect to keep borrowing and have interest rates remain as they are.... The plan will need to focus on tricky questions around taxation, triple lock pensions and things like that."

**Employers must offer flexi-working**

During a panel session, in-house pay and reward managers spoke about what they have learned from the pandemic.

Brian Sparling, senior manager of global operations at Ceridian, explained how enlightening the lockdown was for payroll teams. He said: "I always thought that payroll was something that needed to be done in an office environment, but it's proven that payroll can be run totally virtually."

This sentiment was echoed by former payroller Megan O'Shaughnessy, who is now head of consumer reward at BT. She said that during her days in payroll, it was never thought that payroll could be flexible and work from home, but that's no longer the case.

She added: "If you aren't going to offer flexible working, you are setting yourself up to fail. No matter what role someone is looking for, they are going to be looking for an employer that is flexible."

Although the panel agreed with the above, Valerie Douglas, payroll manager for EMEA at Allegis Group, spoke about the importance of finding a work and home life balance - especially when you are working in payroll. She said: "Throughout the pandemic there have been constant changes, so you find yourself and your team working late into the night. It's so important to communicate with your team and make sure you nudge them to take breaks, as well as reward them too."

**More mental health first aiders needed**

In a session looking at the future of benefits and rewards in the workplace, Ian Hodson, head of reward at the University of Lincoln, discussed the importance of ensuring reward packages are fit for purpose.

Hodson explained that during the pandemic, the university has increased the number of managers who are mental health first aiders.

When asked, during a live Q&A, if all line managers should be mental health first aiders, he said: "Definitely. For the last few years, it's been a growing agenda and I think COVID has changed the focus of the agenda to look at more social issues, such as loneliness or isolation."

He added: "We need to refocus our time and efforts to looking at mental health as more of a priority. From a government perspective, we haven't seen mental health first aiders made mandatory, but if you think about our position on physical health first aiders, it's hard to see why not." ■

*Amber-Ainsley Pritchard, editor, Reward Strategy*

*The Reward & Payroll Summit and The Rewards take place on December 10 - 11.* *See p29 for more info*

# THE REALITY OF GIG WORKING

**If the gig economy is to last, Charles Cotton says it needs to make changes to treat workers more fairly**


**Charles Cotton,** ***CIPD***

"Atypical workers should be eligible for training and development"

The news that Just Eat is moving away from its freelance model, and the recent ruling in California, that Uber and Lyft workers should be classified as employers (both companies have since lodged an appeal), has raised new questions over the future of the gig economy.

The gig economy has a lot of critics who would welcome its end, viewing it as a means to force people into bogus self-employment and restrict their employment rights. However, the reality is more nuanced.

The gig economy and atypical working more broadly certainly has drawbacks, but it has benefits too. For example, it can give people access to work when they might otherwise have difficulty doing so. Many individuals also prefer the flexibility it gives them, allowing them to manage work around their other commitments. Research the CIPD carried out in 2017 backs this up. We found that just 14 percent of gig economy workers said they did this type of work because they could not find alternative employment. We also found that gig economy workers are as likely to be satisfied with their work as other workers, but more satisfied on measures such as flexibility and the levels of physical and mental wellbeing experienced through work.

While the government is planning to take steps to tackle the one-sided flexibility of zero-hour contracts and agency work, when it introduces its Employment Bill, it has so far resisted calls to impose greater regulation in the gig economy. In part, this is due to the reasons already listed but also because the range of business models, working arrangements and individuals involved, make this hard to do so. There are also concerns that more regulation risks restricting business innovation and employment opportunities.

**When to go gig**

Last year, we published a guide for employers on how they can implement an atypical working arrangement that is underpinned by fair people management practices. The key takeaway is that the decision to use gig economy workers, or any other type of atypical workers for that matter, should only be taken after the employer has looked at all their employment options and because there is a genuine business requirement for flexibility.

We go on to emphasise that employers need to take care to ensure that atypical workers understand what their job involves, are properly trained and perform to the required standard. We also state that good employers should set out to motivate and engage their atypical workforce in a similar way to typical employees. On top of this, just as they would for their employees, we'd encourage gig firms to audit their reward practice to ensure they are paying all their gig workers fairly - irrespective of gender, race, disability, etc.

We also recommend that atypical workers should be eligible for training and development activities, and that representative forums should be established to allow atypical workers to be able to feed back comments and suggestions, either face-to-face or online.

The COVID-19 crisis is likely to have an impact on gig economy workers too. When the chancellor announced the income protection scheme for self-employed people, he hinted that they should brace themselves for a higher tax bill once the pandemic is over. And with job losses mounting, it's also likely that people who previously held down regular jobs will turn to the gig economy to help them make ends meet.

Atypical working arrangements, when used correctly and where they suit both the individual and the employer, can have benefits for both parties. However, they need to be reviewed on a regular basis. ■

*Charles Cotton, performance and reward adviser, CIPD*

# "THERE'S ROOM FOR IMPROVEMENT"

**The Pensions Regulator's David Fairs answers commonly asked questions about the watchdog's key proposals**

Our first consultation on defined benefit (DB) funding has now closed; our second consultation will be launched next year. In the meantime, I will reflect on some of our key proposals.

**What is the twin-track approach to valuations?**

The current funding framework is working largely as intended, but there's room for improvement - specifically around providing greater clarity on what we expect from trustees and employers. That's why we proposed a twin track approach to compliance – Bespoke and Fast Track.

Under Fast Track, we will set out clear guidelines around what we think is an appropriate scheme funding approach. This will be particularly helpful for small schemes with less access to advice or more limited budgets.

The current regime means that all schemes effectively take a Bespoke approach and are assessed on a case-by-case basis. But, without explaining what 'good looks like', we are not making efficient use of our regulatory resources. We have found, over recent years, that both employers and trustees find it helpful when we clearly set out our position in reaching the right balance for setting technical provisions and future contributions.

**How does TPR propose to regulate the Bespoke option?**

Bespoke is a scheme-specific approach, similar to the current regime all schemes are in now. However, our proposals in the first consultation intended to bring clarity for schemes and objectivity to assessing that valuations and recovery plans are compliant with legislation.

Bespoke will offer trustees flexibility if they cannot, or choose not to, meet Fast Track guidelines – although, trustees will still be expected to follow our core set of principles. Trustees will also need to explain how or why their Bespoke arrangement is appropriate, and we will look to see how it deviates from Fast Track and how any additional risk has been managed.

Trustees of schemes in Bespoke may have a closer relationship with us if we want to ensure their valuation meets our compliance expectations. However, we envisage that many Bespoke arrangements will be relatively straightforward and may not require further engagement from us.

**What will the DB code mean for open schemes?**

Our proposals sought to secure a reasonable balance between protection of member benefits, fairness between schemes, and flexibility for schemes to fund and invest as they wish – especially where they have a strong covenant and a long-time horizon.

We know the best support for a DB pension scheme is a strong employer, so we're keen to ensure the new funding framework doesn't lead to unnecessary scheme closures by unduly increasing the cost of running the scheme. However, for funding purposes, we think it is important to distinguish between past (accrued) and future benefits.

**What will this mean for an open scheme's long-term objective?**

We propose that it should be the same as that of a closed scheme: low dependency funding by the time the scheme has become significantly mature. However, open schemes tend to be less mature than closed schemes, so it will take them longer to become significantly mature and reach their long-term objective.

Truly open schemes with a strong flow of new entrants might never mature. This means more flexibility over their funding and investment strategies in the meantime. Discussions we have had suggest not everyone has picked up on this within the consultation. ■

*David Fairs, executive director of regulatory policy, The Pensions Regulator*

**David Fairs**
*The Pensions Regulator*

"Truly open schemes with a strong flow of new entrants might never mature"

# CHRO V EMPLOYER

**Blake Morgan's Madeleine Mould explains Court of Appeal guidance on a recent case of equal pay**

Madeleine Mould, *Blake Morgan*

> "If the respondent fails to establish a material factor defence, the claim will succeed"

The Court of Appeal has recently given judgment in *Walker v Co-Operative Group Ltd [2020]*, relating to, among other things, a claim for equal pay.

When pleaded as a breach of contract, equal pay claims can stretch back up to six years and can have significant financial implications.

Recent focus has been on the large-scale equal pay claims brought against a number of well-known supermarkets. In fact, we are awaiting the Supreme Court's judgment in one case brought by female shop-floor workers, arguing that they are doing equal work to male warehouse staff.

In Walker, the court was considering the application of the material factor defence where "equal work" has been established and an employer seeks to defend the claim by demonstrating that the pay disparity is because of non-sex related reasons.

**Background**

In around February/March 2014, during a period of financial crisis for the Co-Operative Group Ltd (COG), Mrs Walker was promoted to a new executive role, as chief human resources officer (CHRO). Despite a significant pay rise, Mrs Walker's salary remained substantially lower than that of various male colleagues on the executive committee.

COG's fortunes improved and the company entered a period of consolidation in late 2014.

In February 2015, a job evaluation study rated Mrs Walker's work as at least equivalent to, and/or of equal value to, that of her male colleagues.

Following her dismissal in 2017, Mrs Walker brought an equal pay claim in relation to this period, amongst other claims, choosing two of her male colleagues from the executive committee as her comparators. Mrs Walker argued that she was performing "equal work" (being "like work", work rated as equivalent and/or work of equal value) to her comparators during this period. COG sought to establish a material factor defence, arguing that there were various non-sex-related reasons for the pay disparity, as follows:

- The comparators were seen as fundamental to COG's survival in view of their historic involvement, experience and connections, this was not true of Mrs Walker;
- The comparators were seen to be a bigger flight risk, as they were closely connected with COG's recently departed chief executive;
- Mrs Walker's comparators had experience at the executive level, whereas she did not;
- In relation to the general counsel, one of the comparators, the market rate for a top corporate lawyer was significantly higher than the market rate for a CHRO.

The Employment Tribunal found that whilst these reasons justified the original pay disparity, they had ceased to operate by the time of the job evaluation study in 2015. COG appealed, and both the Employment Appeal Tribunal (EAT) and the Court of Appeal found in COG's favour. The Court of Appeal found that (in respect of each comparator) at least one of the original factors remained causative of the pay differential in 2015, emphasising that, for a material factor defence to succeed, the employer need only show that the non-sex-related reasons were explanatory, not justificatory.

**Implications**

Firstly, it is worth noting that at every stage it was accepted that, in February 2014, there were material factors in play which explained the pay differential. Many of these factors may be, or become, relevant for employers who may currently be making difficult decisions about which staff are crucial to the business and may be offering pay incentives to retain them. As long as the reason(s) for any pay differential(s) are not sex-related, it should be possible to rely on a material factor defence.

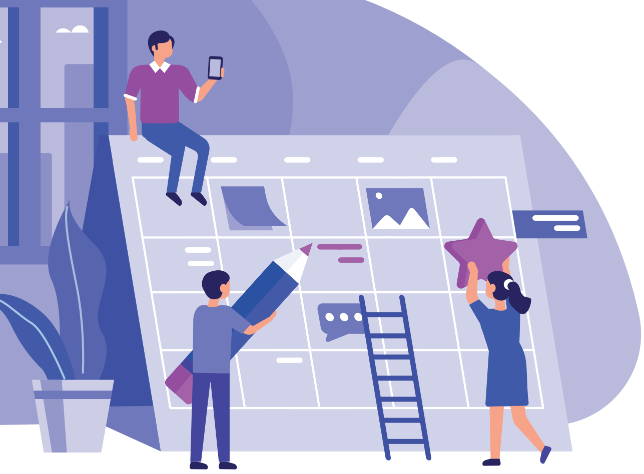
Secondly, whilst these factors may well explain a pay differential in a moment of crisis or particular economic pressure, this should be scrutinised carefully at the next pay review. Employers need to carefully consider whether those material factors continue to explain the difference in pay, or whether there are any new causative factors at that point (and, if so, whether they are tainted by sex).

On a related note, employers need to consider that a person's role, or the value of the work they are doing, may have changed over time and, whilst they were previously not doing work of equal value to that of their possible comparator, now they are. If that is the case, employers need to carefully consider the reasons behind any pay differential.

Finally, two of the judges in the Court of Appeal commented on the approach taken by the Employment Tribunal. They noted that it is the claimant's responsibility to first show that at a particular point in time they were doing equal work to their comparator. If they succeed in this, the responsibility shifts to the respondent to demonstrate that the reason(s) for the pay differential were not related to sex. If the factor relied upon is indirectly sex discriminatory, the respondent will need to go further by showing that it was a proportionate means of achieving a legitimate aim. If the respondent fails to establish a material factor defence, the claim will succeed. However, it is important not to overlook the initial burden upon the claimant to prove that they were doing equal work to their comparator; without this, their claim will not get off the ground.

Mrs Walker has been refused permission to appeal to the Supreme Court. ■

*Madeleine Mould, solicitor, Blake Morgan*



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Contact: Geoff Dorward
Target employee range: up to 20,000

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# Training / Intelligence

**REWARD STRATEGY TRAINING
IN ASSOCIATION WITH
THE PAYROLL CENTRE**

The Payroll Centre Ltd
3A Penns Road, Petersfield,
Hampshire GU32 2EW
Tel: 01798 861111
Email: michaels@thelearncentre.co.uk
Website: reward-strategy.com/events
Contact: Michael Short
Target employee range: All PAYE employers

Reward Strategy, formally known as Payroll World, has been well respected by payroll, HR and finance professionals for over a decade for incisive comment and practical advice. Now in association with The Payroll Centre, we offer a select range of CPD certified short courses to develop real skills. Courses range from the Payroll Introduction course to the Payroll & HR Update. You can find the variety of courses available online and for more information call us today on 01798 861111.

**REWARD STRATEGY MEMBERSHIP**

1st Floor, Axe & Bottle Court,
70 Newcomen Street, London SE1 1YT
Tel: 020 7940 4801
Email: membership@rewardstrategy.com
Website: reward-strategy.com

Keeping abreast of the changes in the industry is vital to your role. Reward Strategy membership makes this easy. Membership includes the 'must read' Reward Strategy magazine in print, unlimited online access, either discounted or complimentary passes to our conferences and access to an award-winning desktop PAYE calculator. With three levels to choose from, there's a membership for every budget.

# Workforce management

**FRONTIER SOFTWARE**

63 Guildford Road, Lightwater,
Surrey GU18 5SA
Tel: 0845 3703210
Email: sales@frontiersoftware.com
Website: frontiersoftware.com
Contact: Sales department
Target employee range: Unlimited

Frontier Software PLC, a leading provider of integrated HR and Payroll software solutions, offers chris21, a comprehensive HR integrated solution, for effective workforce management. Intuitive and easy to use, chris21 is continually enhanced and updated to keep abreast of business and government legislative changes. Additional modules include Time & Attendance, Employee/Manager self service, Learning and Development, Recruitment, expenses and health & safety. Frontier Software PLC is accredited to PAYE Recognition Scheme, ISO27001 and ISO9001:2000 and BACS approved.

# Get support from the biggest payroll learning organisation in the UK with a free membership trial

www.thepayrollcentre.co.uk

The Payroll Centre
INFORM • EDUCATE • SUPPORT

## One membership covers you and your team

We care about payroll being done right, that's why our approach to memberships is different from others in the industry; we focus on supporting both you and your team with one single corporate membership.

**Our membership includes:**

- training courses and face to face networking opportunities
- access to live and on demand monthly video training covering the latest hot topics in the payroll industry
- access to the industry's first information portal
- access to Employer's Pay and Benefits Manual – the encyclopedia of payroll, rewards and benefits
- direct access to our tutors and experts via our helpline
- weekly payroll newsletters
- 12 month subscription to Reward Strategy magazine in print and online

The Payroll Centre Ltd, 3A Penns Road, Petersfield, Hampshire GU32 2EW
Give us a call 01798 861111 Email us info@thepayrollcentre.co.uk Visit us www.thepayrollcentre.co.uk

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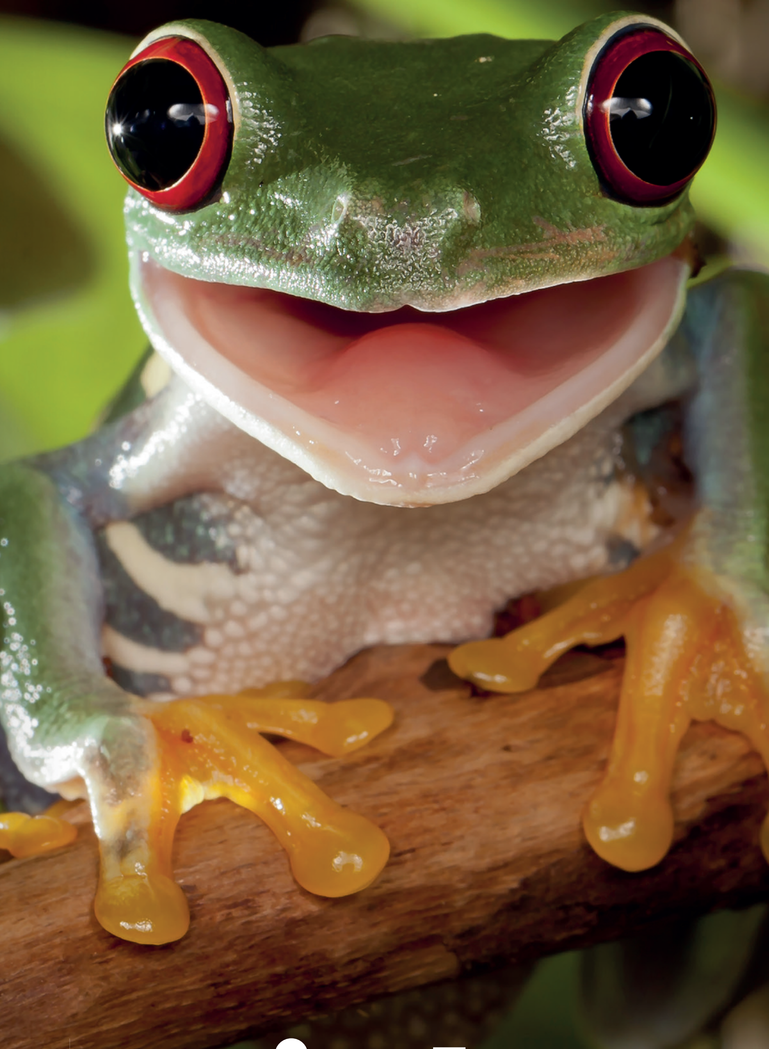

**We've been providing award-winning HR and payroll solutions and services for over 35 years. Much has changed since we launched our first payroll software back in 1981… and we don't just mean our hairstyles!**

As requirements change, we continually evolve to ensure that we're at the forefront of innovation; empowering employees and managers with cloud-based self-service solutions designed to meet the challenges ahead.

What remains constant is our attitude towards our clients; exceptional service is part of our DNA and we regularly go above and beyond to make sure that we exceed their requirements.

For a multi award-winning HR & Payroll service that's totally dedicated to making YOU happy... and your FREE, no obligation consultation, contact us on:

**+44 (0)191 478 7000**

email: **sales@cintra.co.uk**
or visit us at: **cintra.co.uk**

PAYROLL ASSURANCE SCHEME

SYSTEM CERTIFICATION ISO 9001 SGS

ISAE 3402 CERTIFIED

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THE FRIENDLY FACE OF **HR & PAYROLL**