



Employment Law e-bulletin

February 2021

Welcome to our February e-bulletin. The world of work has changed significantly for most of us over the past 12 months and our [Essential Employment Law Webinar](#) on 18 March will give you the opportunity to put your questions to our employment law experts. Our free webinar will also update you on all the latest developments and what to expect in the coming months. See below for details of how to book your place.



Innes Clark, Head of Employment Team

As the nationwide lockdown continues a further [Treasury Direction](#) has been published covering the workings of the Extended Coronavirus Job Retention Scheme from February to April 2021. Although this is largely a continuation of the way the scheme worked from November to January, there are some important changes which employers need to be aware of. We have also updated our [Extended CJRS FAQ](#) to reflect these changes.

Away from the pandemic, we look at two cases relating to the use of disciplinary and grievance procedures. The first considers whether an employee can be sanctioned for an insubordinate act in circumstances where that [act amounts to "trade union activity"](#). The second looks at whether [raising a grievance affirms the contract of employment](#) making it impossible for an employee to successfully claim constructive dismissal.

Having been delayed by 12 months due to the coronavirus pandemic, changes to the IR35 rules governing off-payroll working in the private sector will be implemented in April 2021. In advance of this we have looked at [what this will mean in practice](#) and what affected organisations in the private sector need to do to prepare.

For employers employing EU nationals our immigration team has created a short [guide to the points based immigration system](#). This practical guide summarises the new system as well as covering skilled worker licences, sponsor compliance duties and visa application requirements.

Finally, we have our usual [Employment Law Covid-19 Round up](#) and our overview of [what else is happening in employment law](#).

Essential Employment Law Webinars 2021



MORTON FRASER
LAWYERS

Employment Law Webinar

Join us for key updates on employment law and HR issues throughout 2021

Thursday 18 March | 11:00 - 11:50

Join us for key updates on employment law and HR issues throughout 2021.

Our first essential employment law webinar of 2021 takes place on Wednesday 18 March at 11am. Join two of our employment law partners, Innes Clark and Lindsey Cartwright, for all the latest employment law developments and a chance to discuss and ask questions on everything and anything employment law related.

To register click [here](#).

This month's topics

Please click on the link below to view the relevant article:-

- [Furlough Treasury Direction Amended](#) - the newly published Direction covers how the CJRS will work during the period 1 February to 30 April 2021.
- [Extended CJRS FAQ](#) - updated to take account of the newly issued Treasury Direction.
- [Raising grievance does not preclude constructive unfair dismissal claim](#) - the EAT has considered whether trying to resolve differences via a grievance procedure affirms an employment contract.
- [Employee's TU activity renders disciplinary sanction unlawful](#) - employers need to be careful if disciplining subordinate behaviour if it amounts to trade union activity.
- [Changes to IR35 are coming to the private sector.....](#) - the delayed changes to the rules on off payroll working take effect in April.
- [A guide to the points based immigration system](#) - our handy guide summarising the new points based system for employing EU nationals post Brexit.
- [Employment law COVID-19 round up](#) - our monthly look at the employment law COVID-19 news you may have missed.
- [What else is happening in employment law?](#) - our monthly round up of the rest of the employment law news.
- [Redundancy procedure podcast series](#) - this practical series of podcasts provides employers with practical hints and tips throughout the redundancy process.

Our weekly employment law podcasts

You can listen to our most recent employment law podcasts by clicking on the links below:-

[Employment law - what to expect in 2021 - part 3](#) - In the final part of our podcast on what to expect in 2021, Innes Clark and David Hossack look at the cases that are likely to make the headlines this year.

[Employment law - what to expect in 2021 - part 2](#) - In part 2 of a 3 part podcast, Innes Clark and David Hossack look at the employment law changes that can be expected in the second half of 2021 and beyond.

[Employment law - what to expect in 2021 - part 1](#) - In part 1 of a 3 part podcast, Innes Clark and David Hossack look at the employment law changes that can be expected in the first half of 2021.

[What employers can learn about diversity and inclusion](#) - In this podcast Sarah Gilzean talks to Robin White, the barrister for the successful claimant in the recent case of Taylor v Jaguar Land Rover. They discuss the valuable lessons employers can learn about diversity, inclusion and supporting transgender employees.

[Dismissing employees with less than 2 years' service - tactics to reduce the risk of a claim](#) - In part 2 of a 2 part podcast, Innes Clark and David Hossack look at the practical steps that employers can take to reduce the risk of an Employment Tribunal claim.

Fixed-price online mediation service for employment disputes

Also a reminder that we have [launched a fixed-price online mediation service for employment disputes](#) in response to what we predict will be a changing demand for how disputes are resolved, accelerated by the current pandemic. Headed by David Hossack, one of the most experienced mediators in Scotland, the service provides a swift and cost effective way of resolving employment disputes.

Our app

You can download our free Employment Law App [MF HR Mobile](#) for both Android and iPhone. This includes calculators for unfair dismissal awards, maternity pay and statutory redundancy payments, as well as key employment law facts, figures and fingertip guides. It also includes this [monthly e-bulletin](#) and access to all of our [employment law podcasts](#).

Contact us

If you have any questions on the content of this e-bulletin or if you would like to discuss any other employment issue then please contact any of the Employment Law Partners listed below or speak to your usual Morton Fraser employment team contact:-

[Innes Clark](#) on 0131 247 1181 / innes.clark@morton-fraser.com;
[Lindsey Cartwright](#) on 0141 274 1141 / lindsey.cartwright@morton-fraser.com;
[David Hossack](#) on 0131 247 1024 / david.hossack@morton-fraser.com; or
[David Walker](#) on 0141 274 1146 / david.walker@morton-fraser.com.

Employment Law Guide & Employment Timeline

To see our Brief Guide to Employment Law in Scotland, England and Wales, click [here](#).

For details of upcoming changes in employment law, see our [Updated Employment Law Reform Timeline](#).

Employment Law Fact Card - 2020/21 edition

Our Employment Law Fact Card is full of useful information for employers including disciplinary and redundancy checklists, Employment Tribunal award limits, family friendly leave entitlements and national minimum wage rates.

If you are not already on our mailing list and would like a hard copy of our free Fact Card please email us at employment@morton-fraser.com with your name and postal address and we will send it on to you. Alternatively, you can access an electronic version [here](#).

You can also find your own copy of the Fact Card and a link to the download on our free app which is available to download from the App Store or Google Play. For further details and a link to the download see:

[MF HR Mobile - Our Employment Law App](#)

"...the app is gorgeous, very well designed with great functionality and looks." - Legal IT Insider (www.legaltechnology.com)

Employment Law Support for your Organisation

How we can help

Clear employment law advice from one of the leading employment teams in Scotland.

- More Law Society accredited specialists than any other team in Scotland
- Clear, pragmatic, cost effective, legally privileged advice
- Fixed fee packages available (including [Tribunal awards insurance](#), if required)

A highly professional and responsive service...very approachable and always easily contactable - Chambers and Partners.

Contact innes.clark@morton-fraser.com to find out more.

Employment law training

We offer a practical series of employment law courses covering key employment law and related HR issues including:-

- Disciplinary and grievance issues training
- Managing employees (Performance) training
- Managing employees (Sickness Absence) training
- Discrimination and harassment training
- Employment Tribunal Procedure and Witness Familiarisation training
- Immigration & Employment training
- GDPR: the practical day to day skills you need to know in the workplace

For further information please contact Innes Clark on 0131 247 1181 or at innes.clark@morton-fraser.com.

A little more help

The information contained in our Factcard, and much more, can also be accessed via our Employment Law app. Search for MFHRMobile at the App store or Google Play.

If you don't already subscribe then [contact us at employment@morton-fraser.com](mailto:employment@morton-fraser.com) to receive our monthly employment law updates. As well as providing updates on key employment law developments, our monthly e-news also provides details of [free employment law seminars](#) that we run throughout the year.

For further information please contact Innes Clark on 0131 247 1181 or at innes.clark@morton-fraser.com.

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