



Employment Law e-bulletin January 2021

Happy New Year and welcome to our first employment e-bulletin of 2021. Despite facing the uncertainties of Brexit and the continuing pandemic we will all be hoping that 2021 is a significant improvement on last year. This month we are delighted to be welcoming a new team member - [Hayley Johnson](#). Hayley is a very experienced employment lawyer and we are very much looking forward to working with her.



Innes Clark, Head of Employment Team

We are also pleased to be launching a new quarterly Equality Bulletin in 2021 which will focus on equality and discrimination issues. The first edition will be sent out later in January to everyone who receives this Employment Law e-bulletin and there will, of course, be an option to opt out if you wish to do so.

As it is the start of a new year we look at [what to expect in employment law in 2021](#) and preview what we think are likely to be the big employment law issues, legislative changes and cases of the coming year.

The UK Government announced in December that [furlough is to be extended again](#) but with vaccines bringing hope of a return to some form of normality this year we look at the controversial issue of whether employers can [require employees to be vaccinated](#).

Away from the pandemic we look at a Court of Appeal decision confirming that [disclosures can be aggregated](#) when considering if they amount to protected disclosures under whistleblowing legislation. We also look at a case which brings further clarity to the rights of workers under the [Agency Workers Regulations](#). In addition, we report on [an important decision from the EAT](#) which may eventually lead to the original remedy of interim relief being available in discrimination claims where there has been a dismissal.

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

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.

For employers who are having to consider redundancies over the coming weeks and months, please listen to our [redundancy procedure podcast series](#). These practical bite size guides provide employers with practical hints and tips throughout the redundancy process.

This month's topics

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

- [2021 - what to expect in employment law](#) - we preview the issues, legislative changes and cases that will make the employment law headlines this year.
- [Furlough extended again](#) - the UK Government confirms extension of furlough to 30 April.
- [Can employers require employees to be vaccinated?](#) - the roll out of the vaccine raises some new issues for employers to grapple with.
- [Agency Workers Regulations](#) - an important decision is issued by the Employment Appeal Tribunal relating to rights under the Agency Workers Regulations.
- [EAT finds inability to grant interim relief in discrimination claims unlawful](#) - an important decision from the EAT which may lead to interim relief being available in discrimination claims.
- [Court of Appeal confirms whistleblowing disclosures can be aggregated](#) - the Court of Appeal endorses a previous decision of the EAT.
- [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.
- [Fixed-price online mediation service for employment disputes](#) - a swift and cost effective way of resolving employment disputes.
- [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:-

[Dismissing employees with less than 2 years' service - the risks - Part 1](#)

In part 1 of a 2 part podcast, Innes Clark and David Hossack look at the risks for employers when dismissing employees with less than 2 years' service.

[Employment law review of the year 2020 - Part 2](#)

In part 2 of our review of the year, Innes Clark and David Hossack look at the key employment law issues from June onwards.

[Employment law review of the year 2020 - Part 1](#)

In part 1 of a 2 part podcast, Innes Clark and David Hossack look back at the earlier part of 2020 and discuss the key employment law developments.

[Caution for employers when dealing with transphobic harassment](#)

David Hossack talks to Sarah Gilzean about the case of Taylor v Jaguar Land Rover, which found that non-binary employees are covered by the Equality Act and offers a stark warning for employers who fail to adequately support transgender employees.

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 lots of useful employment law information 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 regular 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 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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