



## Employment Law e-bulletin

June 2021

Welcome to our June e-bulletin. There is still time to join our in-depth equality & diversity training - Establishing the reasonable steps defence to protect your organisation - which takes place on 3 June. See below for further details and how to book a place.

May saw the state opening of parliament but the [Queen's Speech](#) did not include the long awaited Employment Bill. It did though include a promise to bring forward measures to address racial and ethnic disparities.

With women over the age of 50 currently driving employment growth, the impact the menopause has on women's working lives is something many businesses will need to consider. In a recent Employment Tribunal case it was found that [menopausal symptoms can amount to a disability](#) under the Equality Act 2010, meaning employers will have to consider reasonable adjustments for some staff.



**Innes Clark**  
Head of Employment Team

The vaccination campaign is throwing up various issues for employers and we have produced a [vaccination FAQ](#) looking at what employers can and cannot do when it comes to the vaccination of their workforce. Our [working from home - current government guidance around the UK](#) blog also continues to be updated as we start to move away from lockdown. As some organisations start to consider a return to the office, we look at a case which acts as a timely reminder for employers that disciplining or dismissing employees for [reasons related to health and safety](#) needs to be handled with care.

Employment status has been considered in the Employment Appeal Tribunal again, this time looking at whether mutuality of obligation is an [irreducible minimum requirement for being a "worker"](#). The case is likely to have consequences for casual workers and those on zero hour's contracts.

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

## Equality and Diversity - Establishing the reasonable steps defence to protect your organisation



### Equality & Diversity Training

**Establishing the reasonable steps defence to protect your organisation**

**Thursday 3 June | 10:00 - 12:00**

Claims for discrimination are uncapped with six and even seven figure sums having been awarded by Employment Tribunals in the past few years. Employers who can show that they have taken "all reasonable steps" to avoid discrimination through appropriate training on equality issues may be able to use this statutory defence against certain discrimination claims arising from the acts of their employees. Recent cases highlight the issues caused by a lack of training, "stale" training and the absence of refreshing training regularly.

Sarah Gilzean is a leading discrimination expert and an accredited specialist in discrimination law. Karen McGill has many years of experience advising both employers and employees in relation to discrimination matters. Sarah and Karen have designed this training course to help employers establish a "reasonable steps" defence in the event that a harassment claim is raised against them. In this course they will cover:-

- The protected characteristics under the Equality Act 2010
- Different types of discrimination
- Harassment and the dangers of workplace "banter"
- Recent cases and Employment Tribunal awards
- Practical tips and red flags
- The reasonable steps defence and how to ensure that you can argue it
- Cascading training down through the workforce

This training is applicable to the legal position in Scotland, England and Wales and is suitable for HR professionals, managers, employees and in-house lawyers who wish to update their training and also for managers and employees who have limited prior knowledge of the topic. The attendees will be limited to 20 to ensure that the session is as engaging as possible and to allow sufficient time for questions. Attendees will receive a copy of the Powerpoint slides, a detailed handout, a certificate of attendance and a recording of the training. It is intended that this training can be referred to as part of any reasonable steps defence.

- Cost: £125 plus VAT per person
- Cost for charity employees and trustees: £110 plus VAT
- 2 hour paid for training session - restricted to 20 people

To register click [here](#).

### This month's topics

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

- [Employment Bill omitted from Queen's Speech](#) - the UK Government has cited the pandemic as the reason for delay saying it will be introduced "when the time is right".
- [Menopausal symptoms found to be disability](#) - an employment tribunal has found that the symptoms meet the statutory definition of disability.
- [Vaccination FAQ](#) - what employers can and cannot expect from employees when it comes to Covid-19 vaccination.
- [Working from home - current government guidance around the UK](#) - a brief summary of what the rules on returning to the workplace are wherever you are in the UK.
- [Manner in which H&S activities performed not separable from performance of activities](#) - dismissal for causing friction amongst staff when performing activities was automatically unfair.
- [Absence of obligation to offer or perform work not fatal to worker status](#) - fee paid panel member with overarching contract with regulatory body was worker.
- [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.

### Our weekly employment law podcasts

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

[Safety at Work and Covid-19 - changed priorities ahead?](#) - Derek Couper discusses with David Hossack how employers can best safeguard employee wellbeing and meet employees' changing needs, as working from home or hybrid arrangements become the new normal.

[Annual CIPD health and wellbeing survey - a watershed moment for wellbeing?](#) - Innes Clark and David Hossack discuss the annual CIPD health and wellbeing survey and consider whether the coronavirus situation has resulted in a watershed moment for employee wellbeing.

[Redundancy procedure podcast series](#) - this practical series of podcasts provides employers with practical hints and tips throughout the redundancy process.

### Fixed-price online mediation service for employment disputes

Also a reminder that we have 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](mailto:innes.clark@morton-fraser.com);  
[Lindsey Cartwright](#) on 0141 274 1141 / [lindsey.cartwright@morton-fraser.com](mailto:lindsey.cartwright@morton-fraser.com);  
[David Hossack](#) on 0131 247 1024 / [david.hossack@morton-fraser.com](mailto:david.hossack@morton-fraser.com); or  
[David Walker](#) on 0141 274 1146 / [david.walker@morton-fraser.com](mailto: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](#).

## Our Employment Law Fact Card - 2021/22

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](mailto: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](http://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](mailto: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

Our courses are designed for business owners, HR professionals, line managers, in-house lawyers, finance team members, charity trustees and board appointees.

All of our courses have a very practical focus, drawing on our many years of experience advising both employers and employees.

Our courses can be delivered face to face or via a live webinar.

For further information please contact Innes Clark on 0131 247 1181 or at [innes.clark@morton-fraser.com](mailto: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 webinars](#) that we run throughout the year.

For further information please contact Innes Clark on 0131 247 1181 or at [innes.clark@morton-fraser.com](mailto:innes.clark@morton-fraser.com).

### WELCOME TO CLARITY

Clear legal advice for businesses, public sector, individuals and families.

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