Click here to view with images.
To ensure delivery to your inbox, please add us to your address book.

Employment Law e-bulletin

March 2021

Welcome to our March e-bulletin. If you haven't already done so, there is still time to book a place on our Essential Employment Law Webinar. Our webinar, which takes place on 18 March, will update you on all the latest developments and what to expect in the coming months. See below for further details.

Innes Clark
Head of Employment Team

The Spring Budget on 3 March brought with it confirmation that the CJRS is to be extended until 30 September 2021, with employers starting to make contributions to wages for unpaid hours from July onwards. This is just one of the topics we consider in our preview of the April 2021 changes to employment law. With the vaccine roll out continuing apace "No jab no job" is something of a hot topic and in a follow up to January's blog on this topic you can find out more on whether this approach is legal by listening to our recent podcast - Vaccine passport to Pimlico.

Away from the pandemic, the Supreme Court has handed down its long awaited judgment concerning employment status in the gig economy, upholding an employment tribunal decision that Uber drivers are workers and not self-employed.

On the legislative front, this month we find two areas where things haven't quite gone to plan - the Restriction of Public Sector Exit Payment Regulations 2020 are being revoked and enforcement of gender pay gap reporting has been suspended again - this time until October 2021.

We also report on three cases from the EAT. The first is an unusual case concerning workplace monitoring - was an employer justified in dismissing an employee who covertly filmed his employer? The second looks at the public interest requirement in whistleblowing claims and the third highlights the need for employers to refresh equality and diversity training regularly if they hope to avoid liability for acts of harassment carried out by their employees.

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

Equality News

In case you missed it, our first quarterly Equality News was published in January. This focusses on equality and discrimination and going forward will be sent out to everyone who receives this Employment Law E-Bulletin with an option to opt out if you wish.

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 Thursday 18 March 2021 at 11am. Join our panel of employment law experts for all the latest 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:-

- Preview of April employment law changes - we look at the key employment law changes coming up in April.
- Spring Budget - the budget confirmed extensions to both the CJRS and the SEISS.
- Uber "workers" firmly in the driving seat - the Supreme Court has upheld an employment tribunal decision that Uber drivers are workers.
- Gender Pay Gap Reporting - EHRC announces a six month suspension of enforcement action on gender pay gap reporting.
- Cap on public sector exit payments requiring UK Government approval revoked - The regulations, 5 years in the making, were in force for a little over 3 months.
- State diversity training won't protect employer from liability for harassment - an EAT decision highlights the need for refresher training.
- Can employees covertly film their employer? - recent EAT decision finds dismissal of an employee who did so was unfair.
- Disclosure still in public interest despite primary private purpose - protecting the public interest need not be the sole purpose of a whistleblowing disclosure.
- 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:-

What are Pregnant Employees' rights during the pandemic? - David Hossack and Hayley Johnson look at the obligations employers owe any pregnant members of staff during the COVID pandemic and what steps employers and pregnant employees should take to best protect their position.

Working Parents and School Closures: The Impossible Juggle? - David Hossack and Hayley Johnson look at the impact the COVID pandemic school closures have had on working parents.

Covert workplace recordings - issues for employers to consider - David Hossack and Fiona Meek discuss the approach Employment Tribunals take towards covert recordings and some of the points employers should bear in mind, particularly in the current pandemic.

Vaccine passport to Pimlico - David Hossack talks to Sarah Gilzean about whether employers can compel staff to be vaccinated against Covid-19 and whether it might be discriminatory to do so.

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 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 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 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 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.

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

Edinburgh: 0131 247 1000
Glasgow: 0141 274 1100
info@morton-fraser.com

Terms and Conditions | www.morton-fraser.com | Manage Preferences

The contents of this update are for information only and are not intended to be construed as legal advice. Morton Fraser accepts no responsibility for the content of any third party websites to which this update refers.

Forward to a Friend | Unsubscribe | Manage preferences

Address: Quartermile Two 2 Lister Square Edinburgh EH3 9GL United Kingdom