

WELCOME TO
CLARITY FOR
EMPLOYMENT.

Employment Law e-bulletin - August 2021

Welcome to our August e-bulletin. This month we look at two recent unfair dismissal cases - one that highlights the difficulties employers face when dealing with cases where employees are accused of but not charged with crimes, and the other highlighting the importance in capability dismissals of not only having up to date medical evidence, but the need for it to be correctly focussed. We also consider the difficulties employers may face when returning anxious employees to the workplace as well as highlighting a number of employment law related Covid-19 issues.

We also have a number of other regular features which you can find below.

INNES CLARK

Head of Employment Team



Employment Law Training



Our Autumn employment law training programme is out and includes 2 hour training sessions on each of the following topics:-

- Equality and diversity
- Understanding contracts of employment
- Managing workplace change
- Managing employees - sickness absence
- Managing employees - performance
- Disciplinarys, grievances and dismissals
- Employment tribunal procedure and witness familiarisation

All of our training sessions are delivered by way of a live webinar and are applicable to the law of Scotland, England and Wales. Early bird discounts and discounts for charities are available.

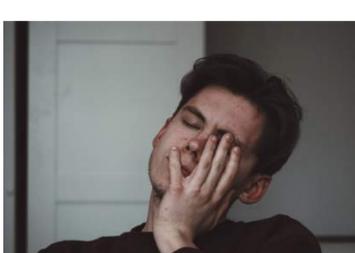
[TRAINING DETAILS](#) ↓

INSIGHT

Sickness absence and up to date medical advice

This EAT case is a timely reminder of the need for not only up to date but also focused medical advice being obtained when considering dismissal.

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HOT TOPIC

Duty to prevent sexual harassment to be introduced

Protection from third party harassment also to be introduced but extension of time limit for claims still under consideration.

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OPINION

Return to work and employee fears - HR's next big challenge

As Covid-19 restrictions are removed many employees will be reluctant to return to an office environment.

[READ OUR OPINION PIECE](#) →



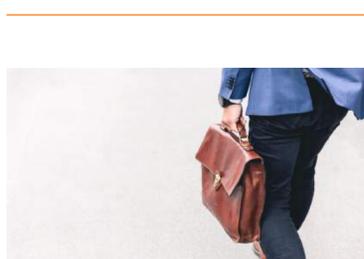
Our weekly employment law podcasts

You can listen to our most recent employment law podcasts by clicking on the links:- [Pub, pints and possibly unfair dismissal](#) - David Hossack discusses with Fiona Meek whether an employer can dismiss an employee who is seen in the pub during sick leave.

[Long Covid - what are the implications for employers?](#) - David Hossack talks to discrimination expert Sarah Gilzean about Long Covid and the implications for employers, including whether Long Covid amounts to a disability under the Equality Act.

[How have Employment Tribunals been dealing with covid-19 unfair dismissal claims](#) - David Hossack and Helen Donnelly discuss how Employment Tribunals have been dealing with unfair dismissal claims stemming from health and safety issues in the workplace in the context of the coronavirus pandemic.

For links to more of our podcasts see our [Legal knowledge hub - Employment law podcasts](#)



TRIBUNAL WATCH

Criminal allegations that are not pursued and fair dismissal

An unusual case highlights the difficulties employers face handling this type of case.

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ECJ rules policy banning religious dress was not discriminatory

A policy of neutrality that applies to all workers may appeal to employers.

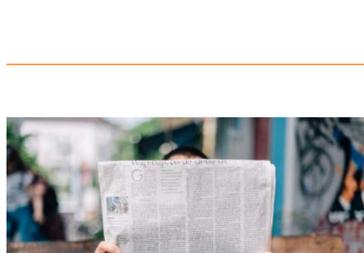
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Tribunal should take account of childcare disparity in sex discrimination claim

More than 20 years after it was identified, the childcare disparity is still a feature of working life.

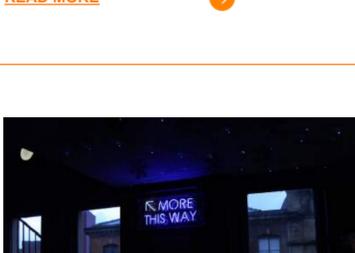
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Employment law covid round up

Our monthly look at the employment law COVID-19 news you may have missed.

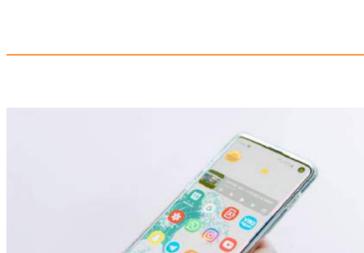
[GET THE NEWS](#) →



What else is happening in employment law?

Our monthly round up of the rest of the employment law news.

[READ THE ROUND UP](#) →



Employment law app

You can download our free Employment Law App 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](#).

[DOWNLOAD APP](#) →



Fixed-price online mediation service for employment disputes

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.

[CONTACT THE TEAM](#) →



Contact us

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

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