



WELCOME TO  
CLARITY FOR  
EMPLOYMENT.

## Employment Law e-bulletin - July 2021

Welcome to our July e-bulletin. A reminder that this month saw the first in a series of changes to the Coronavirus Job Retention Scheme as it winds down. From 1<sup>st</sup> July the Government contribution dropped to 70% of wages for unworked hours with employers contributing 10% - more details are available in our **Employment Law Covid Round Up**.

Meanwhile the home nations have responded to the increase in Covid-19 cases by delaying moves to the next steps out of lockdown which impacts on the timings in relation to working from home guidance - see our **Working from home - Current guidance around the UK** for the latest developments.

As more and more cases related to Covid-19 make it to the employment tribunal we have also introduced a new section - **Covid Employment Tribunal Watch**. This will be updated when further judgements are published, giving employers an idea of the approach tribunals are taking.

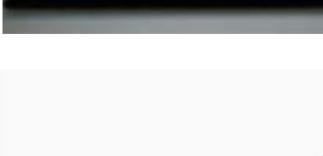
Significant changes are afoot with the announcement that a **single enforcement body** for employment rights is to be created. This follows on from proposals in the Good Work Plan and is intended to support, in particular, more vulnerable employees and assist employers in understanding and meeting their legal obligations.

We have two blogs focussing on topical workplace issues this month. The first looks at the use of **algorithms and AI in the workplace**. The second looks at **fire and re-hire tactics** in light of the publication of an ACAS report and a UK Government statement on the use of this practice.

The need to recognise the difficulties menopause can cause to some women in the workplace has been highlighted previously in our e-bulletin. This month our **Menopause can be a disability - what employers need to know** podcast discusses a number of recent successful tribunal cases.

We also cover a Court of Appeal case deciding whether **interim relief** - where an employer is ordered to re-employ or continue to pay a dismissed employee who has brought a tribunal claim - **should be available in discrimination claims**.

Finally, we have our usual overview of **what else is happening in employment law?**



## 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  
[Lindsey Cartwright](#) on 0141 274 1141  
[David Hossack](#) on 0131 247 1024  
[David Walker](#) on 0141 274 1146

## INNES CLARK

Head of Employment Team



## HOT TOPIC

### Algorithms and AI in the workplace

A brief introduction to something that we believe will be a hot topic in the world of employment law over the coming years.

[READ MORE](#) →



## TRIBUNAL WATCH

### Covid - Employment Tribunal watch

Our overview of the employment tribunal judgements relating to Covid-19 claims.

[READ MORE](#) →



## INSIGHT

### Fire and rehire practices

The UK Government confirm no intention to ban fire and rehire practices. Read our summary on the additional guidance produced by ACAS on when the practice can be used.

[READ OUR SUMMARY](#) →



## Our weekly employment law podcasts

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

[Gender critical beliefs are protected under the Equality Act](#) - David Hossack talks to Sarah Gilzean about the recent decision from the Employment Appeal Tribunal that a belief that sex cannot be changed can be a protected belief and what this might mean for employers.

[Menopause can be a disability, what employers need to know](#) - David Hossack talks to discrimination expert Sarah Gilzean about recent case law where claimants have been successful in arguing that their menopausal symptoms should be treated as a disability and what the implications are for employers.

[Changes to right to work guidance](#) - Immigration expert Stuart McWilliams and employment specialist David Hossack discuss upcoming changes to the process of carrying out right to work checks and the steps employers can take to prepare for these.

[How does an employment tribunal value injury to feelings in discrimination claims?](#) - David Hossack and Fiona Meek take a look at how discrimination claims are compensated, focussing on injury to feelings and what a tribunal will look at when assessing the level of compensation to award.

[UK employers spend billions on conflict every year - is there a better way?](#) - David Hossack and Laura McKenna look at the main findings of the ACAS Estimating the Costs of Workplace Conflict report and explore what can be done by employers to avoid these staggering costs.

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



## GUIDANCE

### Working from home guidance

A brief summary of what the rules on returning to the workplace are wherever you are in the UK.

[GET THE GUIDANCE](#) →

## Position on interim relief in discrimination claims clarified

The Court of Appeal has confirmed that the absence of interim relief in discrimination claims is not incompatible with the ECHR.

[READ MORE](#) →

## Creation of single enforcement body for employment rights

The new body will be a one stop shop providing support for both employees and employers.

[READ MORE](#) →



## 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 Guide and Employment Timeline

To see our Brief Guide to Employment Law in Scotland, England and Wales, click below.

For details of upcoming changes in employment law, see our Updated Employment Law Reform Timeline.

[CLICK FOR GUIDE OR TIMELINE](#) →



## Quarterly equality news

In case you missed it, our quarterly Equality News was out earlier this month covering the key developments in the world of equality and discrimination.

[READ THE EQUALITY NEWS](#) →

## 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*

### 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 see our [brochure](#) or contact [Innes Clark](#) on 0131 247 1181.



## 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](#) →



## 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](#).

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