



Employment Law e-bulletin - February 2022

Welcome to our February e-bulletin. As Covid-19 restrictions begin to relax we look this month at how the work from home guidance has changed throughout the UK, how some employers are restricting sick pay for unvaccinated employees and we also consider a recent Tribunal decision on whether a dismissal for refusal to vaccinate was fair. We also look at a Court of Appeal judgment concerning vicarious liability for a workplace prank and a recent announcement on right to work checks.

All of our other regular features are here too, including links to our weekly podcasts. Scroll down to find out more.

AUDIT OF KEY EMPLOYMENT DOCUMENTATION

Is your employment documentation up to date? A regular audit of key employment documentation is an effective way of ensuring that your contracts are legally compliant and the risk of claims is minimised. We can carry out an audit and make any necessary changes for a fixed fee. For further details please get in touch via the "Contact Us" section below.

EMPLOYMENT LAW TRAINING - WINTER/SPRING TRAINING PROGRAMME

Register below for our upcoming essential employment law webinars. Our webinars last for approximately 50 minutes and are free to attend. Click on the links below for further details.

- [2022: The year of holidays - holiday masterclass - 10 February 2022](#)
- [Long covid & menopause - emerging disabilities - 24 March 2022](#)
- [Managing mental health in the workplace & legal issues that arise - 19 May 2022](#)

All of our training sessions are delivered by way of a live webinar and are applicable to the law of Scotland, England and Wales.

If you missed January's webinar a recording of the presentation is available - [What to expect in employment law in 2022](#). The webinar looked at the employment law developments employers can expect to see in 2022, employment tribunal trends, future changes to watch out for, some important case decisions and our predictions for 2022.

INNES CLARK

Head of Employment Team



GUIDANCE

A brief summary of what the rules are wherever you are in the UK

Working from home - current government guidance around the UK.

[READ MORE](#) →



TRIBUNAL WATCH

Dismissal for refusing vaccination

In one of the first cases of its type, dismissal of a care worker who refused vaccination was found to be fair.

[READ MORE](#) →

INSIGHT

Can employers restrict sick pay for unvaccinated close contacts?

Many well known employers have started treating vaccinated and unvaccinated staff differently.

[READ MORE](#) →



CASE DECISION

Court of Appeal judgment on liability for workplace prank

Employer was not liable for the consequences of a prank that went wrong.

[READ MORE](#) →

UPCOMING DEVELOPMENT

Online services the future for right to work checks

Identification Document Validation Technology (IDVT) will allow employers to conduct secure right to work checks remotely.

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Our weekly employment law podcasts

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

[Academic described as 'naturally loud' and a 'marmite character' awarded over £100,000 in compensation](#) - David Hossack and Mark Pelosi discuss an Employment Tribunal's decision concerning a lengthy suspension and disciplinary process. They also provide key takeaways for employers.

[Refusal to be vaccinated against Covid-19 sees care assistant fairly dismissed](#) - David Hossack and Fiona Meek discuss a very recent and topical Employment Tribunal decision where an employee was found to be fairly dismissed by her employer after refusing to get the Covid-19 vaccine.

[What expenses should be taken into account when calculating whether an employee has been paid the national minimum wage?](#) - David Hossack and Nicole Moscardini discuss a recent case relating to NMW calculations.

[Employment law 2022 - what to expect - Part 2](#) - In part 2 of a 2 part podcast, Innes Clark and David Hossack discuss what to expect on the employment law front in the second half of 2022 as well as considering other changes that may take place over the coming years.

For links to more of our podcasts see our [Podcast Library](#).

ROUND UP

Employment Law Covid-19 Round-up

Our monthly round up of the Covid-19 employment law related news you may have missed.

[READ MORE](#) →

TRIBUNAL WATCH

Covid Tribunal Watch

Our summary of the key Covid-19 related employment tribunal decisions.

[READ MORE](#) →



UPDATE

What else is happening in employment law?

We look at what else is happening in employment law away from the pandemic.

[READ MORE](#) →

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 advice 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

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

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:-

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