

WELCOME TO CLARITY FOR EMPLOYMENT.

Employment Law e-bulletin - February 2023

Welcome to our February employment law e-bulletin. Data protection and privacy are featured this month, looking at how long employers can hold onto employee records as well as a case considering the privacy of an employee's WhatsApp messages. Menopause is once again in the spotlight with a UK Government response to last year's "Menopause and the Workplace" report being published. Our case report this month is an unusual one - where issues previously decided upon in a disciplinary process were reconsidered and the sanction increased to one of dismissal. We also look at the proposed legislation affecting strikes. With some legal challenges already under way, these proposed new laws are the most controversial we have seen for some time.

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

ESSENTIAL EMPLOYMENT LAW WEBINARS

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

[Redundancy masterclass - 8 tricky issues and how to deal with them](#) - 9 February 2023

[Employment law question time](#) - 16 March 2023

[The top 10 HR errors and how to avoid them](#) - 16 May 2023

[Flexible working - the new regime plus practical tips](#) - 8 June 2023

Our webinars are applicable to the law of Scotland, England and Wales. If you can't attend on the day please register anyway and we will send you a recording of the webinar.

Feedback from recent attendees at these seminars include *"really insightful"*, *"the practical examples were particularly helpful, and Innes and Alan's experience and expertise in that regard was invaluable"* and *"very easy to understand and very well delivered"*.

For links to recordings of our webinars from last year see [Employment Law Training](#).

INNES CLARK

Head of Employment Team



Essential Employment Law Webinars

Join us for free webinars throughout 2023

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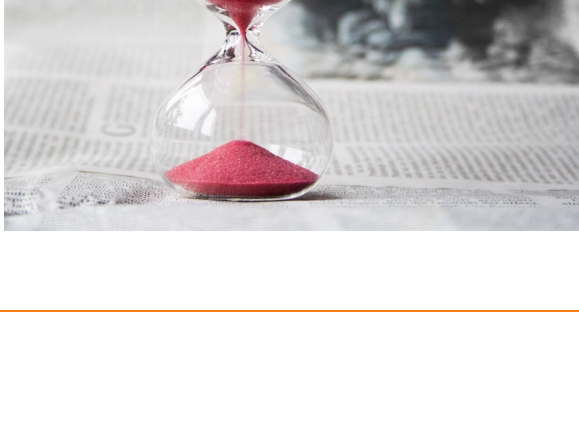
If you missed January's webinar a recording is available here - [What to expect in employment law in 2023](#). This webinar looked at the employment law developments employers can expect to see this year, employment tribunal trends, future changes to watch out for, some important case decisions and our predictions for 2023.

DATA PROTECTION

How long is too long to hold on to employment records?

The answer is often far from obvious.

[READ MORE](#) →



MENOPAUSE AND THE WORKPLACE

Workplace support for women going through menopause

UK Government response to report on Menopause and the Workplace has been published.

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CASE REPORT

Dismissal arising from reconsideration of closed disciplinary proceedings can be fair

Previously addressed issues were reconsidered and a sanction of dismissal applied.

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PUBLIC SECTOR STRIKES

Strike action in the public sector – what effect will the proposed legislation have?

New legislation aimed at mitigating effect of strikes.

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PRIVACY

Employers must consider employee privacy when defending claims

Claim of misuse of private information relating to tribunal evidence can proceed in High Court.

[READ MORE](#) →



ROUND UP

Employment law round-up

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

[READ MORE](#) →



Our weekly employment law podcasts

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

[Seasonal affective disorder \(SAD\) - what are an employer's obligations?](#) - David Hossack and Nicole Moscardini discuss whether Seasonal Affective Disorder (SAD) can amount to a disability under the Equality Act 2010 and what obligations employers have in respect of any employees suffering from SAD.

[A closer look at the recent anti-strike bill](#) - David Hossack and Fiona Meek take a closer look at the Strikes (Minimum Service Levels) Bill, what the Bill would look to do and the reactions to the Bill so far.

[What is a vanishing dismissal and what legal effect does this have?](#) - David Hossack and Fiona Meek discuss a recent case which looked at the concept of a "vanishing dismissal" following an employee's successful appeal against dismissal.

[Employment law - what to expect in 2023](#) - Innes Clark and David Hossack discuss the key employment law developments that employers should have on their radar this year.

["Ghosting" - a new workplace trend?](#) - With "ghosting" on the rise in UK workplaces, Elise Turner and David Hossack explore the possible reasons for this trend and the legal implications when an employee leaves without resigning.

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

EMPLOYMENT LAW FACT CARD - 2023/24

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. We will be sending out the latest edition to our mailing list in March.

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 in our April e-news. In the meantime, you can access an electronic version of our 2022/23 Fact Card [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**.

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

Edinburgh
0131 516 9217

Glasgow
0141 530 3675

info@morton-fraser.com

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