

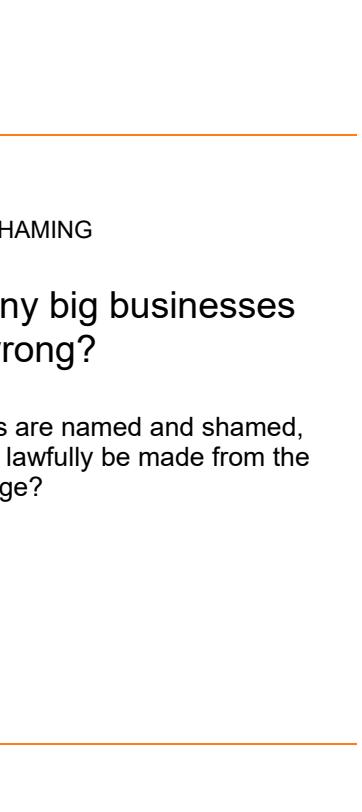
## WELCOME TO CLARITY FOR EMPLOYMENT.

### Employment Law e-bulletin - August 2023

Welcome to our August employment law e-bulletin. There has been a lot of activity over the past few weeks with the Private Members' Bill making significant changes to the right to request flexible working regime becoming law and, in a separate development, changes to maternity leave being proposed. Strike related laws are a hot topic with one set of Regulations that prevented employers from using agency workers to cover striking workers duties being quashed while the Strikes (Minimum Service Levels) Bill has received Royal Assent and become law. We also look at why businesses still struggle with national minimum wage, as highlighted by the naming and shaming of many household names for failing to pay NMW, and this month's case looks at the tricky issue of managing conflicting beliefs in the workplace.

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

### INNES CLARK Head of Employment Team



#### [ESSENTIAL EMPLOYMENT LAW WEBINARS](#)

Our August essential employment law webinar is looking at how employers can get employment law obligations right from the start. You can register for this and our other upcoming essential employment law webinars now. The webinars last for approximately 50 minutes and are free to attend. Click on the link below for further details.

- [Starter for 10 - Getting employment law obligations right from the start](#) - 15 August 2023
- [Mental health at work: challenges and practical tips](#) - 21 September 2023
- [Data protection in the workplace](#) - 4 October 2023
- [Employment law question time](#) - 14 November 2023
- [New laws on preventing sexual harassment in the workplace](#) - 5 December 2023
- [What to expect in employment law in 2024](#) - 11 January 2024

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.

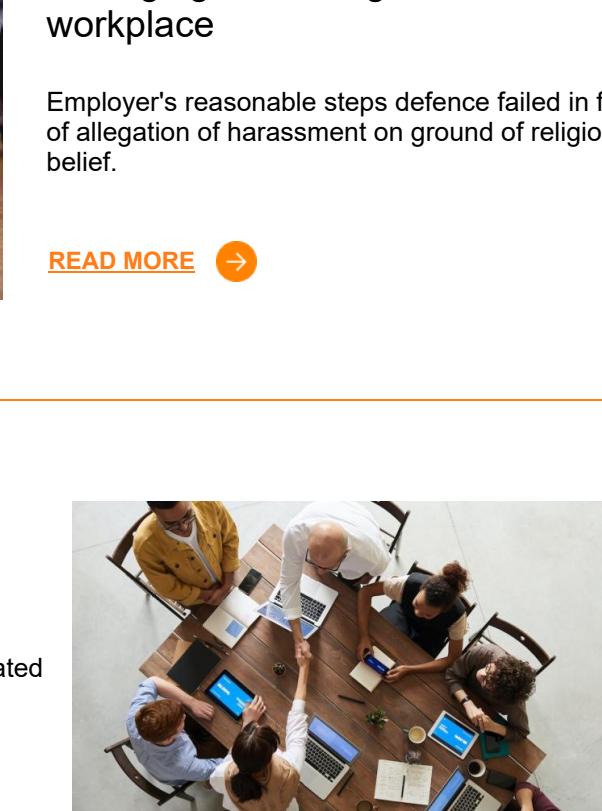
Feedback from recent attendees at these seminars include "really insightful", "the practical examples were particularly helpful, and Innes and Alan's experience and expertise in that regard was invaluable" and "very easy to understand and very well delivered".

For links to our recent essential employment law webinars see [Employment Law Training](#).

#### FLEXIBLE WORKING

### Change to flexible working regime

The Employment Relations (Flexible Working) Act 2023 makes changes to the current flexible working regime but employers have time to prepare.



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#### FAMILY FRIENDLY RIGHTS

### Paternity leave to become more flexible

Fathers/partners will have greater opportunity to use paternity leave in a way that suits them and their families.

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#### NMW: NAMING AND SHAMING

### Why are so many big businesses getting NMW wrong?

As well-known brands are named and shamed, when can deductions lawfully be made from the national minimum wage?

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#### STRIKES AND INDUSTRIAL ACTION

### Significant developments in relation to the law on strikes

Regulations that came into force last year allowing employers to use agency workers to cover the duties of striking workers have been quashed while the controversial new Bill requiring minimum service levels during strikes has become law.

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#### WORKPLACE HARASSMENT

### Protection from harassment legislation watered down

The House of Lords has amended the Worker Protection Bill to remove the provision making employers liable for third party harassment.

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#### ROUND UP

### Employment law round-up

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

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#### CASE REPORT

### Managing conflicting beliefs in the workplace

Employer's reasonable steps defence failed in face of allegation of harassment on ground of religion and belief.

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#### Our weekly employment law podcasts

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

[National Minimum Wage: why are big brands being named and shamed?](#) - David Hossack and Elise Turner discuss why businesses get it wrong, the ways in which employees can enforce NMW compliance, the potential consequences for employers who fail to comply, as well as their top tips on how to avoid common mistakes.

[Risks for employers in heat of the moment resignations](#) - David Hossack and Caroline Maher discuss the recent case of Cope v Razzle Dazzle Costumes in which an employment tribunal concluded that an employee saying "I'm done" did not amount to resignation.

[Unilateral changes to employment contracts: risks employers can face](#) - David Hossack and Lily Braunholtz discuss the recent Court of Appeal decision in Secretary of State for the Home Department & others v Cox & others, which highlights that employees continuing to work does not always signify an acceptance of contractual changes.

[Another EAT case looking at the question of refusing to attend work during the covid pandemic](#) - David Hossack and Fiona Meek take a look at the recent EAT case of Miles v Driver and Vehicle Standards Agency, which saw the Claimant try to argue he had been constructively dismissed and subject to health and safety detriments because he refused to attend work during the Covid pandemic.

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

#### 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.

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#### FIXED-PRICE ONLINE MEDIATION SERVICE FOR EMPLOYMENT DISPUTES

A reminder that 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. 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.

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