

MASSERS

EMPLOYMENT LAW UPDATE

February/March 2017

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Annual Compensation Increase

On 6 April 2017 compensation payments will increase as follows:

- A weeks' pay will increase from £479.00 to £489.00
- The maximum compensatory award will increase from £78,962.00 to £80,541.00 (tipping the maximum compensatory award to over £80,000.00).

Debenhams and Subway amongst employers named and shamed for underpaying workers.

In a list recently compiled by HMRC and published by the Department of Business Energy and Industrial Strategy (BEIS), various employers have been listed as failing to pay the National Minimum Wage (NMW). The list named 359 employers who between them underpaid 15,513 workers to the tune of £994,685.00. The penalties associated with the underpayments are understood to be approximately £800,000.00.

Debenhams has been 'named and shamed' as the worst offender by paying its staff below the national minimum and living wage. It was found to have failed to pay £134,894.83 to some 11,858 workers after a HMRC audit discovered the problem.

A Debenhams spokesperson said a "technical error in its payroll calculations", was to blame and it led to an average underpayment of approximately £10 per person which had been reimbursed to all those affected.

The spokesperson also said steps had been taken to ensure it cannot happen again.

Many of HMRC's investigations are prompted by individuals complaining to ACAS that they have not been paid the National Minimum Wage. ACAS in turn refer the complaints to HMRC. It is understood that HMRC are investigating approximately 1,500 further cases.

Fingerprint Expert awarded £300,000.00 by employment tribunal.

Fiona McBride, a forensics expert is due to receive up to £300,000.00 in compensation after being unfairly dismissed by the Scottish Police Authority. Ms McBride is one of Scotland's leading fingerprint experts and was sacked in 2007 after the notorious Shirley McKie case.

In February 2016 Ms McBride took her unfair dismissal claim to the Supreme Court in London where judges ordered her reinstatement and referred her case back to an employment tribunal in Glasgow which ruled she should go back to work on 27 February 2017 and ordered her former employers to pay her ten years' worth of back pay.

Ms McBride said: "I'm delighted with this outcome, which justifies my decision to fight for reinstatement. I look forward to returning to my position within the Scottish Police Authority next month. This was never about money. It's the job I love doing. It was what I was good at. I just want it back."

Lowest rate of sick days since records began

The Office of National Statistics (ONS) has released statistics showing that the number of workers calling in sick is at its lowest level since records began nearly 25 years ago.

The ONS has stated that approximately 137 million working days were lost from illness and injury in 2016 which is equivalent to 4.3 days per worker, compared to 7.2 days by employees taking sick leave in 1993.

Minor illnesses such as coughs and colds accounted for 34 million days being lost due to illness.

Musculoskeletal problems, which include back pain and limb problems, were the second most common reason for workers calling in sick and accounted for 22.4% of days lost to sickness.

Mental health conditions included stress, depression and anxiety accounted for 11.5% of days lost to sick leave or 15.8 million days.

The ONS statistics suggest that the groups with the highest rates of sickness absence include women, older workers and those with long-term health conditions and with regards to sickness rates by regions the lowest rates are seen in London at 1.4% and the highest rates were found to be in Wales and Scotland which suffered sickness absence at 2.6% and 2.5% respectively.

The TUC's General Secretary, Francis O'Grady said the fall in sickness rates showed that 'it is a myth that UK workers are always throwing sickies'

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