

MASSERS

EMPLOYMENT LAW UPDATE

September 2017

Flexible Working – ACAS calls for a change in attitude

ACAS has published a report, Flexible Working for Parents Returning to Work – Maintaining career development which suggests that Employers are not doing enough to support parents who take an extended period of leave for parental and caring responsibilities.

ACAS found that whilst employers encourage women to take maternity leave, managers often fail to make male employees aware of their entitlements, including paternity leave, paternity pay and other flexible working options. Whilst most fathers take some leave for the birth of their child, employers are less likely to enhance paternity pay, encourage the father to take paternity leave or remind them of flexible working policies.

The report found that the take-up rate of flexible options was significantly lower for men, with only 15% of fathers deciding to work part-time, compared to 59% of mothers.

The report also suggests that part-time workers were less likely to be promoted to senior roles compared to their full-time counterparts and this contributed to the gender pay gap.

ACAS says a wider cultural change is required, with flexible working being promoted equally for men and women, schemes to support and encourage those that decided to return to work after taking time-off and employers to assess flexible working requests based on their business needs and not on the employee's reasons for making the request.

Modern Slavery Checks – Not fit for purpose?

Research undertaken at the University of Sheffield and University of Bath has suggested that employers are at risk of employing victims of modern slavery due to the complexity of the modern labour market.

The report considered statistics released by the National Crime Agency (NCA) and examined forced labour in companies operating within the food and construction sectors.

NCA statistics showed that 3,805 people were referred for help due to slavery and human trafficking in 2016, a 50% increase in referrals in the last three years. The statistics are hardly surprising given the report found that current modern slavery checks are not “fit for purpose” as they fail to monitor workers throughout the “labour supply chain”.

The report has called for improved coordination between the labour market enforcement and immigration law and urged employers to focus on how their staff are recruited and supplied across their business by third parties.

Home Office Minister, Sarah Newton commented on the report by saying that the government was “considering what further steps may be necessary” to protect victims of modern slavery and human trafficking and to ensure all large businesses report properly and take effective action on forced labour.

The report's lead author, Professor Andrew Crane of the University of Bath said "companies have little hope of detecting modern slavery practices unless they adopt a new approach that focuses specifically on their labour supply chains".

It is apparent that UK businesses are running the risk of employing forced labour because they do not know enough about their staff.

With the NCA having previously estimated 10,000 to 13,000 victims in the UK to be the "tip of the iceberg", there is clearly still a great deal of work to be done to tackle and overcome this serious issue.

If you require further advice regarding your obligations in relation to modern slavery checks, please contact us without delay.

Employment Tribunal Fees – Refund Update

In July the Supreme Court declared Employment Tribunal and Employment Appeal Tribunal (EAT's) Fees to be unlawful. The Employment Tribunals (England & Wales) have now provided some information regarding refunds.

It is understood that they are working on the detailed arrangements of a scheme to enable those making an application to be as simple as possible. They are also considering how to deal with refunds in claims involving multiple claimants and how the scheme will operate when the Tribunal has ordered the opposing party to reimburse the fee.

A further announcement will be made this month regarding the details of the refund scheme. We will provide further updates once received.

Whilst on the subject, Dominic Raab, Minister of State for Courts and Justice answered various questions regarding fees in parliament this month. The upshot being there is no suggestion that the Government is planning to bring in a new fees regime in the foreseeable future.

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