

# MASSERS

## EMPLOYMENT LAW UPDATE

February 2018

### **Annual Increase in Tribunal Compensation Awards**

From 6 April 2018 the maximum compensatory award which can be made for unfair dismissal will rise from £80,541 to £83,682.

The limit on a week's pay (for the purposes of calculating statutory redundancy and the basic award for unfair dismissal) will increase from £489 to £508.

The new rates will apply where the "appropriate date" giving rise to the claim, for example the date of termination in an unfair dismissal claim, falls on or after 6 April 2018. Where the appropriate date falls before 6 April 2018 the old rates will continue to apply.

### **Adverse Weather and Travel Disruption**

The heavy snowfall currently being experienced over parts of the UK is likely to affect business continuity for many employers, not least where road closures and public transport delays make it difficult for employees to get into work. There is often confusion over whether to pay staff who are absent, whether to allow them to work from home and how to keep in contact with them whilst away from the office.

The general position is that if an employee doesn't attend work they aren't entitled to be paid. Of course, it's not always that straightforward and regard should be had to any contractual and implied rights. Many employers will be flexible in these circumstances and allow holiday to be taken at short notice, home working or the option of making the time up at a later date.

Employees with dependent children may be unable to attend in circumstances where schools or nurseries are closed and are entitled to a reasonable amount of unpaid time off to arrange alternative childcare.

If the workplace is closed because of snow, in the absence of any contractual lay-off provision, employees will need to be paid.

There are some practical tips below which may be of assistance.

- Consider allowing employees to work from home and / or an alternative workplace.
- Consider giving the option of taking holiday or making the time up.
- Take the health and safety concerns of employees into account during periods of bad weather.
- Introduce an adverse weather travel disruption policy and remind employees of it when a spell of bad weather is forecast.
- Apply any decisions consistently.

### **Fit for Work Service to end next month**

The Fit for Work referral service was set up following a review into sickness absence management by Dame Carol Black. It provided free health and work advice both online and by

telephone aimed at preventing absence, as well as free referrals for an occupational health assessment following absences of 4 weeks or more (or those expected to last 4 weeks or more).

The service will cease on 31 March 2018 because of low referral rates.

### **Government response to the Taylor Review of Modern Working Practices**

On 7 February 2018 the government published its response to the Taylor Review of Modern Working Practices.

The government's proposals look at ways of increasing statutory protections available to workers. They include the right to an itemised payslip for all workers and the right to request a more stable employment contract. Consideration will be given to developing an online tool to assist people in determining employment status; extending the qualifying period for establishing continuous service beyond one week; reviewing the redundancy legislation in relation to pregnancy and maternity; and introducing tougher enforcement measures for employers who breach employment protections.

Four further consultations have been launched as a result of the review:

1. Employment status: consultation on Taylor Review conclusions and recommendations.
2. Agency workers: consultation on recommendations made by the Taylor Review.
3. Enforcement of employment rights: consultation arising from Taylor Review.
4. Measures to increase transparency in the UK labour market: consultation arising from the Taylor Review.

### **Contact Us**

For further information please contact:

**Natalie Abbott**

**Direct Dial: 0115 851 1640**

**E-mail: [nataliea@massers.co.uk](mailto:nataliea@massers.co.uk)**

Massers Limited t/a Massers Solicitors is registered at 15 Victoria Street No. 4227801 and also has an office in West Bridgford.

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