

## *This Week in Employment Law*

### Morrisons Deemed Liable for Staff Data Breach

**The Court of Appeal have dismissed Morrisons' claim that they were not liable for a data breach which affected thousands of current and former employees, meaning they must now pay thousands in compensation. Whilst the supermarket plans to appeal this further, we will take a closer look at this case:**

- Morrisons argued that they were not vicariously liable as it was a former employee who fraudulently and maliciously shared the personal information of over 100,000 individuals in an attempt to harm the business.
- The Court ruled that the motive of the employee who carried out the breach did not affect the employer's liability, meaning it did not matter that the individual was purposely trying to harm the business.
- They reaffirmed that employers will be considered liable for the actions of their staff carried out during the course of their employment, and greater efforts should have been made to prevent this breach occurring.
- This reminds employers to ensure adequate processes are in place to protect internal data, including the monitoring of employees activities where appropriate and disciplining any offenders.
- In light of the General Data Protection Regulation (GDPR) there is a greater focus on the protection of personal data belonging to staff and employers should make this a priority for their organisation or risk facing costly fines.

#### West Ham suspend worker for attending 'racist' march

West Ham United have suspended a youth team coach pending an investigation for attending a march organised by Democratic Football Lads Alliance. The Premier League side took action after negative press surrounded the employee who involved himself with a group widely denounced by anti-racism campaigners.

##### **Did you know?**

The Equality Act 2010 protects staff from discrimination on account of their political beliefs, providing they are 'worthy of respect in a democratic society'. This means it is possible to discipline staff for the way they display their beliefs at work or for bringing the company into disrepute.

#### Acas statistics show growth in claims against employers

The latest round of statistics released by Acas, covering April-June 2018, show over 30,000 early conciliation notifications were lodged by staff against their employers. Of these notifications nearly half were fast-track cases which usually concern wage disputes, whilst over 8000 referred to discrimination or whistleblowing.

##### **Did you know?**

Most staff who wish to make a claim against their employer must first contact Acas to begin the early conciliation process. Acas will then liaise with both parties to try and find a compromise that prevents an employment tribunal.

#### One in four gender pay gap reports 'non-compliant'

Independent analysis conducted by Staffmetrix has found that a quarter of gender pay gap reports submitted for 2018/2019 are non-compliant. These reports often featured data that was statistically impossible, with some firms even submitting identical reports to 2017/2018.

##### **Did you know?**

Gender pay gap reporting is an annual requirement that employers should be working on routinely throughout the year. Whilst this is only a requirement for those with 250 staff, the BEIS committee have called for this threshold to be reduced to 50 by 2020.

In light of the recent General Data Protection Regulation (GDPR) staff are more alert than ever of the way in which their personal data is maintained and shared by their employer. For guidance on safeguarding employee data and preventing any harmful breaches give Croner a call using our 24 hour Advisory Service.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.