

## *This Week in Employment Law*

### How to Manage Staff Holidays over Christmas

**As November draws to a close, employers should look ahead to the Christmas period and plan how they will manage leave requests during this time. This can be a difficult task, especially when trying to balance demand for time off with organisational requirements, therefore we offer some best practice tips below:**

- Assess demand – Use the experience of previous years to assess demand for your business during the Christmas period. This will help you decide if you need all staff to work during Christmas, if you can operate with skeleton staff or if the workplace can be closed entirely.
- Look at existing policies – Look at your normal rules when it comes to maximum number of employees at one time and notice requirements for requesting leave. Can you be more flexible with your rules at Christmas?
- Handling requests – Try to accommodate as many requests as possible especially if you have a ‘use it or lose it’ approach to annual leave entitlement.
- Remember you can say no – If you cannot accommodate requests for leave then you can refuse them if this is in line with your normal rules. Explain any refusal to the employee and remind them of your policies.

#### Employee jailed for using forged qualification

A former NHS psychiatrist has been sentenced to 5 years in prison after practicing under a fake degree using forged documents. This has caused the General Medical Council (GMC) to review the qualifications of 3,000 medical professionals to make sure they are legitimate.

##### Did you know?

Employers should carry out a number of pre-employment checks to ensure the suitability of candidates. This is important to make sure they actually possess the qualifications they claim to have, especially if these are essential to the role or are industry requirements.

#### Disabled employee fairly dismissed for theft

The Employment Appeal Tribunal (EAT) has declared that it was not discriminatory to dismiss a worker for stealing, despite him suffering from amnesia and post-traumatic stress disorder. This is because ‘tendency to steal’ does not qualify for protection under the Equality Act 2010.

##### Did you know?

Whilst it can be discriminatory to dismiss staff for misconduct that is linked to their disability, this does not apply when the employee suffers from a tendency to steal. It is important for employers to understand which medical conditions are protected in order to not discriminate.

#### Scottish fair work charter focuses on severe weather

A new charter encourages employers in Scotland to create fair working practices during times of severe weather. It sets out guidelines for good practice and recommends that employers create a written policy on how bad weather will be handled so employees know where they stand.

##### Did you know?

Employers should prepare for severe weather to reduce the impact it has on their business. It is important to inform staff, via a policy, of the options available to them when they are unable to attend work due to dangerous conditions and how this will affect their pay.

Following your normal rules in relation to annual leave over the Christmas period is important and putting the rules in a written policy is key. If you have questions about organising annual leave over Christmas, call 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.