

## *This Week in Employment Law*

### Latest ET Figures Show Claims Continue to Rise

**The latest tribunal statistics covering July-September 2018 have been released by the Ministry of Justice, showing that the number of claims brought against employers continues to rise. Below, we analyse the key points from these statistics:**

- The number of single claims increased by 31% when compared with the same period in 2017.
- Over 6,000 unfair dismissal claims were made during this period, a 32% increase from the same time last year.
- The most common claim heard during the period was 'unauthorised deduction of wages'. This is almost certainly a consequence of the removal of ET fees as employees are not put off from making a claim regarding small amounts of money.
- Sexual orientation discrimination claims rose by 48%, and age discrimination claims rose by 30%.
- Employers are sometimes having to wait between 12 and 18 months before claims against them are heard in the ET.
- Interestingly, claims for failure to provide a written pay statement have increased by 65%. The right to receive a pay statement will be extended to 'workers', and not just 'employees' from April 2019.

#### Home Secretary announces new immigration system

A new immigration system will be introduced in 2021 which will bring an end to 'freedom of movement'. Instead this new scheme will allow low skilled workers, from both EU and non-EU countries the chance to live work in the UK for up to 12 months at a time to help employers deal with seasonal demands.

##### Did you know?

Under these plans EU nationals will no longer get preferential treatment when it comes to working in the UK. It will also be easier for skilled migrants to seek employment in the UK as the existing cap on visas issued for roles such as doctors or engineers is set to be removed.

#### New code of practice to address sexual harassment

The government have announced plans for a new code of practice designed to help employers address the issue of sexual harassment in the workplace. As part of this there will also be public consultations held on third party harassment and the use of non-disclosure agreements at work.

##### Did you know?

When this code of practice is introduced employers will be strongly advised to follow it. As we have seen with other statutory code of practices, such as the one on disciplinary and grievances, failing to follow this could lead to elevated tribunal awards in harassment cases.

#### Court of Appeal rule that Uber drivers are workers

In yet another decision on employment status in the gig economy, the Court of Appeal have ruled that Uber's drivers are workers and not self employed contractors. In doing so, they have agreed with previous decisions from the Employment Tribunal and the Employment Appeal Tribunal.

##### Did you know?

When deciding on employment status a tribunal will look behind any existing contract of employment and assess the true nature of the working relationship. It is therefore important that employers understand that any contractual label given is consistent with everyday practice.

As the number of employment tribunal claims continues to increase it is more important than ever that employers act in accordance with legislation and seek expert advice when faced with contentious workplace issues. To guard yourself against the risk of tribunal claims, use our 24 hour Advisory Service for any employee issues.

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