

This Week in Employment Law

88 Year Old Employee Becomes Oldest to Win Age Discrimination Case

A former medical secretary has become the oldest person to win an age discrimination case at an employment tribunal after her treatment at the hands of the NHS. Join us as we take a closer look at the facts of this case below:

- Despite being a long serving employee, Ms Jolly was dismissed for failing to correctly maintain a waiting list of patients who were in need of surgery.
- However, it was revealed that Jolly had not been provided with the right amount of training for these duties and her employer believed future training was futile because of her age.
- The employer was unable to provide a reason for her treatment that was not her age; the tribunal therefore held that she has been discriminated against because of her age.
- Almost coincidentally, Acas has released new guidance which aims to prevent age discrimination at work and protect employers from costly discrimination claims.
- As part of this employers are reminded to treat staff fairly in all aspects of work, regardless of their age, and to avoid using discriminatory language in job adverts.

Middlesbrough FC defeat HMRC in NMW dispute

A tribunal has ruled that HM Revenue & Customs (HMRC) were wrong to penalise Middlesbrough FC for a supposed breach of national minimum wage (NMW) legislation. It was not unlawful for the club to deduct money from staff salaries, where requested, to help them cover the cost of season tickets.

Did you know?

This decision confirms that deductions which take salaries below NMW are not always unlawful. However, some types of deductions will be unlawful. Getting NMW right is complicated and employers face huge fines for breaching the law. They also face being named publically.

Taxi drivers may face enhanced records checks

All taxi and private hire drivers could have to pass enhanced criminal records checks under government proposals. This has been put forward by the Department for Transport as part of a consultation which looks to provide better protections for vulnerable passengers.

Did you know?

It is a legal requirement to carry out criminal records checks for certain roles, such as those which involve working with children or vulnerable adults. Whilst it is still possible to ask about criminal records in other circumstances, applicants have the right to withhold any spent convictions.

Survey reveals impact of overtime on UK workers

A recent study conducted by employee benefits provider Perkbox revealed that almost half of UK employees work at least one hour of overtime each day. Of these individuals, 20% believe this extra work has a negative impact on their health, whilst 40% reported increased stress levels as a result.

Did you know?

Although overtime can be mutually beneficial, employers need to be wary of how this could impact employees' long term health. It is also vital to keep good records of any overtime to ensure staff are not in breach of the Working Time Regulations 1998.

If left unchecked, discriminatory behaviour can create a host of issues in the workplace, ranging from an inability to attract and retain top talent, to an increase in grievances and tribunal proceedings. If you are unsure whether any of your practices run the risk of discriminating against someone because of their age, 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.