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This Week in Employment Law

BBC Radio Host Dismissed for ‘Racist’ Tweet

Long standing Radio 5 Live presenter Danny Baker had his contract terminated last week over a ‘racist’ tweet relating to the birth of the Duke and Duchess of Sussex’s son. With this in mind we take a look at the issue of dealing with employees’ conduct on social media:

- Employees can be dismissed for offensive or inappropriate comments made on social media providing you have the right structure in place and follow fair procedures.
- Social media policies can be used to lay down rules on what staff can and cannot post online, including bans on discriminatory remarks or references to work related matters.
- Employees should be reminded that inappropriate conduct reflects badly on a company and that they could face disciplinary action for bringing the company into disrepute.
- To dismiss an employee for social media misconduct, the following are likely to be important: the employee’s role; the nature of your organisation; the risk of reputational damage, the seriousness of the misconduct etc,
- In some instances, employees may argue that they did not intend for their comments to be offensive. However, it is not the intention of the employee that is important; it is the impact of the conduct.

Three firms named as repeat gender pay gap offenders

Typhoo Tea, Charlotte Tilbury Beauty and Northern Automotive Systems have all been ‘named and shamed’ by the Equality and Human Rights Commission (EHRC) for failing to report their gender pay gap information on time for the second year running.

Did you know?

Companies who fail to publish their gender pay gap figures on time risk reprisals from the EHRC. A notification letter will be sent as a first step and if the firms still fail to comply in time then they could face a formal notice which is enforceable in court with an unlimited fine.

Consultation planned on Statutory Sick Pay

Head of the Department for Work and Pensions Amber Rudd has confirmed that the government plans to consult on reforming Statutory Sick Pay (SSP), adding that change is necessary in order to better support employers to retain staff who experience health problems.

Did you know?

Employees are entitled to £94.25 per week of SSP, for a maximum of 28 weeks, during sickness absence providing they meet certain qualifying criteria. This includes earning on average at least £118 per week and being absent for a minimum number of days.

50% of vegans suffer ‘discrimination’ at work

Crossland Solicitors have revealed that a large proportion of employers do nothing to accommodate vegans at work, whilst a greater proportion did not realise ‘philosophical beliefs’, which could include veganism, are a protected characteristic under the Equality Act 2010.

Did you know?

There is no case law on whether ‘ethical veganism’ qualifies for protection under the Equality Act 2010, however, this point is expected to be tested later this year. If veganism is to be protected, then employers must ensure vegans don’t suffer less favourable treatment at work.

Although employees may argue that social media accounts are private, employers can often see their reputation harmed by inappropriate behaviour online. With this in mind, it is important to have a firm structure in place and make sure to refer to our 24 Hour Advisory Service if you have any specific concerns over employees’ online conduct.

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