

## *This Week in Employment Law*

### Retail Worker Owed Wages for Time Spent Closing Store

**A recent employment tribunal (ET) decision has gone in favour of a Holland & Barrett employee who claimed he was owed money for time spent on tasks outside of his contracted hours. We take a closer look at the facts of this case below.**

- The employee was a supervisor at Holland & Barrett and often had the responsibility of closing the store at night.
- He claimed he was not paid for time spent doing additional tasks after his shift was finished, such as cleaning and calculating sales figures, and was owed over 200 hours of unpaid overtime as a result.
- Holland & Barrett had an overtime scheme which paid staff for time worked over their contractual hours, yet they argued this didn't apply to the extra time managers spent closing a store.
- However, there was no clause in the employee's contract which stated that additional time spent closing the store would be unpaid.
- Therefore, the ET decided there was an implied contractual term for him to be paid for this time and he was awarded over £1,000 in unpaid wages.
- To avoid a similar situation, employers should ensure their approach to overtime is explained clearly in all employee contracts and that this matches any existing overtime policy.

#### Waterstones staff petition for Real Living Wage

Over 9,000 people have backed a campaign by staff at Waterstones as they have asked their employer to pay them the voluntary Real Living Wage (RLW). However the company's Managing Director has claimed they 'can't afford' to pay staff an increased hourly rate.

##### Did you know?

The voluntary RLW is based on the cost of living and is £10.55 an hour in London and £9 for the rest of the UK. Unlike the national minimum wage, employers are under no obligation to pay staff in line with these rates, however it may be worth considering how it could have a positive impact on workplace morale.

#### Minorities more likely to be 'trapped' in insecure work

A recent report by the TUC has revealed that black, asian and minority ethnic (BAME) workers are a third more likely to be trapped in insecure employment than their white counterparts. This mainly refers to those working on temporary or zero-hour contracts.

##### Did you know?

Individuals can claim discrimination if they can show they've been offered less favourable employment terms due to their race. It should also be noted that staff in insecure work will have the right to request more stable contracts in the future under the government's Good Work Plan.

#### Social media comments cost celebrities their jobs

Two separate incidents in the past week have resulted in Australian rugby player Israel Folau and Emmerdale actress Shila Iqbal both having their employment terminated due to remarks made on social media considered offensive and discriminatory.

##### Did you know?

It is possible for employers to dismiss staff for social media activity on their personal accounts. Although it is not always needed for a fair dismissal, it would be easier to enforce disciplinary action if there is a social media policy in place which lays out ground rules on employees' activity online.

It is not necessarily unlawful for employers to withhold pay from staff when working overtime, however it is important to have a clear understanding of the implications. Therefore, if you need more information on overtime, or how to construct a clear and concise overtime policy, give our 24 hour Advisory Service a call.

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