

This Week in Employment Law

Call for Increased Duty on Employers to Prevent Sexual Harassment

The ‘This is not working’ alliance, made up of 20 charities and organisations including the TUC, the Fawcett Society and Unison, have urged for new legislation that would create a greater responsibility on employers to tackle inappropriate behaviour at work. Here, we take a look at what this could mean:

- The alliance recommends that mandatory training on harassment and inappropriate conduct be given to all staff and that clear workplace policies on harassment be constructed.
- In addition, the alliance also suggests that this new duty be supported by a code of practice.
- Although there is no confirmation that these recommendations will result in updates to the law, the government is expected to launch a legal consultation on addressing workplace sexual harassment soon.
- If implemented, this change would be a significant one for all employers. Current policies on harassment may need to be reviewed, or, alternatively, the company may need to construct a new anti-harassment policy.
- In addition, workplace practices will likely need to be amended in order to ensure that all staff receive their mandatory training and that the company is adhering to the requirements of the code.

Footballer unlawfully withheld wages from nanny

An employment tribunal has ruled that a nanny, who worked for Manchester City player Riyad Mahrez, is owed over £3,000 in unpaid wages after being expected to be at the family’s ‘beck and call 24 hours a day’. This was despite the working hours in her contract originally being 8am to 6pm.

Did you know?

There is no automatic right for staff to be paid for any additional hours they may work as overtime. The requirement for them to work overtime, either paid or unpaid, should be clearly specified in their contract of employment. These hours should also not place the employee’s average pay below the minimum wage.

Post-Brexit salary thresholds to be reviewed

The Migration Advisory Committee (MAC) is to revisit previous proposals that post-Brexit workers from overseas, including EU Nationals, earn at least £30,000. Specifically, they are to consider whether the threshold should be dictated by region and if there should be any exceptions.

Did you know?

From 1 January 2021, there will be a new right to work check system in place that companies will need to follow. Until then, the current system remains in place. Additionally, EU employees already in the UK can now apply to remain indefinitely post-Brexit through the use of the EU Settlement Scheme.

Use of private emails in a disciplinary process lawful

The European Court of Human Rights (ECHR) has held that using evidence found on an employee’s iPhone in a decision to dismiss him did not breach his ‘right to privacy’. This was because the evidence displayed acts of misconduct that he had been previously been made aware were inappropriate.

Did you know?

Article 8 of the European Convention of Human Rights provides that everyone has the right to respect for their private and family life. Despite this, there may be times when the employee cannot reasonably expect to have this right, which will depend upon the particular circumstances of the case.

Employers can defend a claim of unlawful harassment by showing that they took all reasonable steps to prevent their employees from harassing others. If you would like further advice on the most appropriate methods for responding to allegations of harassment within your organisation, you can contact 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.