



This Week in Employment Law

Figures Show Tribunal Claims on the Rise Again

The Ministry of Justice has just released the latest set of tribunal statistics displaying the number of claims, and the largest compensation pay-outs, seen in financial year 2018-19. We're also able to see the results from the April - June 2019 quarter so let's take a look in more detail below:

- In the year from April 2018 to March 2019, over 120,000 employment tribunal applications were received; this is 10,000 more than during the previous year.
- The highest amount of compensation given by the tribunal was £947,585 in an unfair dismissal claim.
- The highest discrimination award was £416,015, relating to a claimant's disability.
- Looking at the latest quarterly figures, the number of claims made during April to June 2019 increased by 14% from the same period in 2018.
- Claims for discrimination and incorrect redundancy procedures rose significantly during this quarter.
- The average unfair dismissal compensation came in at £13,704.
- Once again, these figures show an increasing willingness for staff to explore tribunal proceedings against their employer.

State pension age increase not 'discriminatory'

A judicial review has found that the government's act of increasing the pension age for women to 65 by 2020 did not discriminate against women. The claimants in this case had argued that women born in the 1950s approaching the previous age had 'lost out' financially.

Did you know?

Previous systems allowed women to collect their pension at an earlier age to men. The High Court found that the measure of increasing the age for women equalised it for both sexes and so served to 'correct' past discrimination against men; it did not represent discrimination towards women.

Labour backs flexible working for menopause

A Labour government would ensure that employers provide flexible working options to employees experiencing the menopause. Under these proposals, employers would also be required to treat the menopause as a long-term, fluctuating health condition.

Did you know?

The menopause can cause a number of physical and emotional symptoms that could impact upon the performance of an employee, potentially resulting in a loss of productivity or absenteeism. Ensuring managers are appropriately trained in responding to this can help to counteract these issues.

Doctor loses 'philosophical belief' discrimination claim

The ET has held that a doctor's 'conscientious objection' to 'transgenderism' was not capable of protection from discrimination. He had argued that being 'compelled to use a specific pronoun' was an attack on his 'freedom of speech and... belief'.

Did you know?

Under the Equality Act 2010, individuals can claim they were subjected to discrimination because of their philosophical belief. However, in order for this to be successful, this 'belief' needs to fit certain criteria, including that it does not conflict with the fundamental rights of others.

The recent ET figures are a further example of the knock-on effect of the removal of tribunal fees in 2017, with financial year 2018/19 being the first full year without fee payments. There is now very little to deter staff from making a claim and if you are concerned about an ongoing dispute, call our 24 hour Advisory Team for guidance.

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