

Reference

This Week in Employment Law

Staff References Could Become Mandatory

The government have recently announced it will consult on whether providing references for ex-employees should be mandatory for business owners. If introduced, this will likely represent a significant change and create extra administrative duties for employers. We take a look at the current situation below:

- Currently, there is no obligation to provide references for former employees, unless they work in certain regulated sectors or there is a contractual agreement to supply one.
- Those who do provide references have a duty of care to ensure the information given is accurate and fair.
- Employers can be sued if they knowingly provide a false reference that paints the employee in a bad light.
- Employers also face a victimisation claim for failure to provide, or provision of a misleading reference, where the ex- employee previously claimed discrimination against the company.
- Business secretary, Andrea Leadsom, has confirmed the government will look at forcing employers to produce basic references for all staff.
- As a result, it may be wise for employers to start providing basic references that confirm the individual's position and dates of employment.

Worker fails to declare £21k in overpaid wages

A healthcare worker was dismissed after failing to inform her employer that she had been overpaid more than £21,000 in wages over an 18-month period. Found guilty of theft in the Crown Court, the worker claimed she believed the additional funds were part of a tax rebate.

Did you know?

If you find that you have overpaid an employee then there are ways to reclaim the funds. Legally, you are allowed to make deductions from wages to account for it, however, it is good to discuss this with the employee first and consider spreading the cost across a period to avoid causing them financial hardship.

Derby County FC dismiss captain for drink driving

Derby County FC defender Richard Keogh was dismissed for gross misconduct this week for a drink driving incident involving two teammates. However, the two other players only received fines, with reports suggesting Keogh's role as club captain influenced the club's decision.

Did you know?

Although disciplinary decisions must be fair, it isn't necessarily unlawful to treat staff differently for their involvement in misconduct depending on the facts. Employers may consider seniority of staff during their decision making process in disciplinary proceedings.

McDonald's sack CEO for dating employee

McDonald's have dismissed their CEO for engaging in a romantic relationship with a colleague. This behaviour was in breach of the company's relationship policy, which prevents managers from becoming romantically involved with a subordinate.

Did you know?

Employers are free to implement their own rules on workplace relationships to prevent disruption at work. Although McDonald's took the decision to dismiss their CEO for his involvement, simply redeploying individuals who are romantically involved could help reduce any conflict of interest which may arise.

The topic of employee references can often be a source of confusion for employers, especially when it comes to their legal obligations. Therefore, if you are unsure of how to respond to a reference request, make sure to give our Advisory Team a call for expert advice around the clock.

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