



This Week in Employment Law

Transport Secretary announces plan to reform strike rules

With train strikes causing travel chaos this Summer, the Transport Secretary has revealed his plan to “take on” the unions, we look at the implications for employers.

- The Transport Secretary, Grant Shapps revealed a 16-point plan to reform the rules on industrial action last week and reduce trade unions' powers.
- He has already implemented 2 points - allowing agency staff to work during strikes and increasing the fines for unlawful action.
- The remaining proposals include:
 - Allowing the government to block strikes that pose a national emergency and introducing legislation to ensure a minimum number of services run during walkouts
 - Increasing the ballot threshold, doubling the notice period for strikes to 4 weeks, allowing only one strike action per mandate and allowing employers to bypass unions in agreements with workers
 - Removing automatic deduction of trade union dues from wages
 - Limiting time available for union duties and taxing strike payments
 - Requiring strike ballots to be conducted more often to ensure strikes are genuinely supported by the workforce, giving those voting better information about the issue in dispute and the employer's offer to settle it.

Calls to bring forward NMW increase

The TUC has urged the government to bring forward increases to the National Minimum Wage, to support workers through the ongoing cost of living crisis. National Minimum Wage rates usually increase in April each year, but they could be brought forward if Ministers agree. Increases to the Real Living Wage (set by the Living Wage Foundation) have already been brought forward from November to September.

Did you know?

The Real Living Wage is a voluntary scheme which employers have the choice of following. Joining the scheme is one way employers can support their employees' financial wellbeing.

New Code of Practice on recruiting international staff

The government has released a new Code of Practice on recruitment of international staff in the health and social care sector. It discusses how employers can be an ethical recruiter and highlights that international staff will have the same legal rights and responsibilities as domestically trained staff, as well as the same access to further education and training, and continuous professional development. It also outlines the scope of repayment clauses.

Did you know?

Repayment clauses must be proportionate and only include expenses met by the employer on behalf of the employee, such as relocation expenses, visa fees or regulatory exam fees.

Requirement for all staff to drive was discrimination

Fainting episodes meant an employee was banned from driving by the DVLA. But, he had funding in place from Access to Work which provided him with a driver where needed for work-related activities. He claimed indirect discrimination and failure to make reasonable adjustments after his application was rejected. The tribunal upheld his claims saying it was not reasonable to decline his application.

Did you know?

The tribunal found that the employee had been treated unfavourably and further stated that the driving licence could have been listed as desirable criteria.

Non-union members who take part in legal, official industrial action have the same rights as union members not to be dismissed as a result of taking action. Contact our 24-hour Advisory Service for up-to-date guidance on this and more.

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