

This Week in Employment Law

Businesses “Failing to Support” Older Workers

A recent study has revealed that more than half of over 50s feel unsupported at work despite the fact that many older workers now plan on retiring later than they expected to a decade ago. Below are some useful tips for employers to support older workers and, at the same time, avoid claims of age discrimination:

- Avoid asking candidates questions related to age during job interviews; this can increase the chance of bias in decision making meaning older employees may be unfairly missing out on job opportunities and put you at risk of an age discrimination claim.
- Protect employees from discrimination or bullying due to their age, paying close attention to workplace ‘banter’.
- Do not assume that older workers are less capable than their younger counterparts or reduce their workplace responsibilities simply because of their age.
- Make the most of older workers’ knowledge and experience by using them to train other staff.
- Take an open approach to flexible working opportunities which better accommodate older workers e.g. reduced hours or home working.
- Provide advice on retirement options, including guidance on workplace pensions and flexible retirement.

Unison Seek to Appeal Sleep-In Shift Decision

Unison have requested leave to appeal the Court of Appeal (CA) decision on pay for sleep in shifts. The CA had overturned previous court judgments when it ruled that workers on sleep-in shifts were not entitled to national minimum wage (NMW) for time spent asleep.

Did you know?

Although an appeal request has been lodged, we must wait and see if the Supreme Court will grant permission. In the meantime employers who pay NMW for time spent asleep during a sleep in shift may wish to review their pay practices pending further Court developments.

Investigation finds dismissed nurse was “treated unfairly”

A former nurse dismissed from his job in 2015 was “treated unfairly”. It was ruled that the employer’s disciplinary investigating officer failed to disclose important evidence about the allegations made against the employee meaning the investigating panel did not have all the information they needed

Did you know?

Employment tribunals will often declare a dismissal unfair when the investigation into allegations was not conducted properly. Employers should choose the investigating officer carefully and ensure they are fully trained to fulfil the role.

Government to Review Modern Slavery Act

The Home Office has announced plans to review the Modern Slavery Act 2015. The review will suggest improvements to the effectiveness of the current legal structure and may suggest changes to the way that modern slavery statements are written.

Did you know?

Businesses with an annual turnover of at least £36million must publish modern slavery statements for each financial year detailing efforts they took to ensure their organisation and their supply chain is free of modern slavery. While not legally required, smaller firms are encouraged to comply.

Over 50s represent a significant and valuable part of the country’s working population and it is important to ensure they are fully supported at work. If you would like further advice from Croner on supporting older workers in your organisation, call 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.