

Failure to Allow Appeal Led to Unfair Dismissal

After dismissing an employee for failure to provide evidence of his right to work in the UK, the employer did not allow the employee to appeal. This omission led the ET to find the employee had been unfairly dismissed. Here, we look at the case in detail:

- The employee was originally from Pakistan and had worked as a delivery driver since 2009.
- He had temporary right to work in the UK which was due to expire by August 2016 and therefore had to obtain further permission to work.
- His employer requested evidence of his application on two separate occasions but it was not forthcoming.
- Because of the failure to provide evidence, the employee was dismissed. He was not allowed an appeal.
- The Employment Appeal Tribunal found that the employer's failure to allow an appeal meant that the dismissal was unfair.
- Had an appeal been allowed, it said, the employee would have had opportunity to provide evidence of his right to work: he was never actually barred from working in the UK.
- This case reinforces the need to follow a fair procedure at all times, and that an appeal is an integral part of that procedure.

Deliveroo reach six figure settlement

Deliveroo have agreed a six figure settlement agreement to bring an end to a long running employment status dispute. 50 workers had claimed to have been unlawfully denied rights including NMW and holiday pay in a case of 'bogus self-employment'.

Did you know?

This settlement further encourages the growing number of workers lodging similar claims and is another example of the potential pitfalls that exist for those operating in the gig economy. We eagerly await government guidance which will hopefully better define existing types of employment status.

Government respond to report on paternity pay

The government have reviewed a report submitted by the Women and Equalities Committee which calls for an improvement in entitlements for working fathers. The committee suggested that paternity leave should be increased and made more similar to maternity leave.

Did you know?

Under current legislation eligible fathers are entitled to 2 weeks' paternity leave in comparison to 52 weeks' for women. There are ongoing calls to address this imbalance and efforts have been made to promote shared parental leave as a viable solution for working parents.

TUC urge firms to support staff during heat wave

The TUC have called on bosses to be considerate of staff working outdoors during the ongoing spell of hot weather. Employers have been urged to protect staff by factoring heat and sun exposure into risk assessments and provide complimentary water and sunscreen.

Did you know?

There is no maximum workplace temperature, which once reached gives staff the right to be sent home. Instead, legislation simply requires workplace temperatures to be 'reasonable'. Employers should still attempt to mitigate the impact of hot weather particularly as it relates to pregnant and disabled staff.

The situation surrounding foreign workers can be confusing for employers with many being understandably concerned about the fines connected with illegal working. As shown in the case above, even those with knowledge of the correct immigration procedures can fall foul of tribunal decisions. Therefore, allow Croner's 24 Hour Advisory Service to help you navigate 'right to work' dismissal proceedings with confidence.

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