

## Police Scotland to introduce clean-shaven policy

**Police Scotland will ban all frontline officers from having a moustache or beard later this month to better protect staff when wearing PPE.**

- Police Scotland plan to introduce a “no-beard” policy this month for all frontline officers to enhance their health and safety when wearing a FFP3 face mask, which is face-fitted and requires users to be clean-shaven.
- It is reported that hundreds of police officers and frontline staff will have to shave off their facial hair to comply with the policy. Four of the affected staff are reported to be considering legal action.
- Exceptions will be granted for those who cannot shave for religious, cultural, disability or medical grounds. Police Scotland is looking to provide an alternative type of respiratory protection for employees who cannot/refuse to follow the policy for any of these reasons.
- Unless related to a regulatory requirement, such as PPE, there are no specific laws governing appropriate attire. As such, employers are free to choose what they deem to be reasonable, as long as what is required is non-discriminatory.
- Employers who want to implement similar practices should remember the risk of indirect discrimination claims, so consider what exemptions will be permitted and any alternative ways of achieving the desired result.

## Harpur Trust consultation outcome awaited

One month on since the government’s consultation on the Supreme Court judgment in Harpur Trust v Brazel closed on 9 March 2023, HR professionals and employers continue to await the outcome. In this case, the Supreme Court decided that annual leave entitlement could not be pro-rated for part-year workers. As a result, they are entitled to receive 5.6 weeks’ paid annual leave regardless of how many weeks per year they work.

### *Did you know?*

Employers should continue to provide annual leave in line with the Harpur Trust judgment for the time being, but look out for the release of the outcome to the consultation.

## Challenge to use of agency workers during strikes

On 21 July 2022, new legislation came into force lifting the previous ban on employers hiring temporary workers to cover for staff on strike. Now, the High Court is considering a challenge by trade unions against the government’s decision to allow agency workers to cover for staff during strikes. Unions say allowing them to do so is unsafe and the law should be removed. It remains to be seen what the Court will decide.

### *Did you know?*

It remains the responsibility of individual businesses to maintain safety standards and hire temporary workers with the suitable skillset and/or qualifications to meet the obligations of the role.

## Failure to comply with right to be accompanied

A trade union representative was deemed to act inappropriately, interrupted the meeting chair, was obstructive and rude. As such, the employer excluded him from the meeting and said to the employee that they could be accompanied by a different individual. But, the employee raised a claim to the Employment Tribunal for failure to comply with the right to be accompanied, and the claim was upheld.

### *Did you know?*

The tribunal said the statutory right is the right to be accompanied by an individual chosen by the employee from within a specified class of individuals, the employer doesn’t have a say over this.