

This week in Employment Law

We're all going on a summer holiday

With summer holidays on the horizon, employers are likely to be dealing with an increase in annual leave requests. We look at some tips for managing annual leave entitlement without disrupting business operations.

- Taking steps to encourage employees to book their annual leave can help to avoid too many requests being submitted later in the year that can be difficult to manage if the business is already at its maximum annual leave caps and/or if they can't be accommodated due to business demands during the run-up to Christmas, for example.
- Now that we are half-way through the year, this is a good time for employers to assess how much annual leave their employees have left to take in the current holiday year and remind staff to book any remaining annual leave entitlement, particularly for those who have a January to December holiday year.
- It is important that employees take their annual leave entitlement for their health and wellbeing so sending a reminder letter to all staff can help to ensure that they don't forget to use their full entitlement. The letter should set out when the holiday year ends, the organisation's stance on whether any annual leave can be carried over to the next holiday year and remind staff of the process for requesting annual leave.
- Employers can refuse annual leave requests in line with business needs, but they should ensure that their process for handling conflicting requests is fair and non-discriminatory, such as granting requests on a 'first come, first served' basis.

Employers named for failing to report gender pay gap

Earlier this year, the Equality and Human Rights Commission (EHRC) sent warning notices to 730 organisations that had missed the 2022-23 gender pay gap reporting deadlines on 30 March and 4 April. Now, 8 organisations who have still failed to comply with these requirements have been named on its website, highlighting the EHRC's enforcement powers and the consequences of failing to comply with equality laws.

Did you know?

Large employers with 250 or more employees on a snapshot date are legally required to report and publish their gender pay gap data by their reporting deadline each year.

RMT announces new Tube strikes

Last week, the RMT union announced several days of Tube strikes at the end of July which will undoubtedly cause problems for commuters in and around London. A week of rolling strike action will take place from 23-28 July 2023. Employers should make sure their employees know about this in good time so that alternative plans can be made, such as homeworking, adjusting working hours or using banked time off in lieu.

Did you know?

In addition, employers may need to prepare for further business disruption as the RMT has also announced three days of strike action on the trains on 20, 22 and 29 July 2023.

Failing to act on complaint was direct discrimination

On entering his workstation, a male employee was kneeed in the backside hard by a female colleague. The employee, and a witness, provided statements but the employer failed to act on them for several months. The employee raised a formal complaint about the incident, but it was not properly investigated or given priority. In finding that the employee had been discriminated against, the judge said the sex of the perpetrator was relevant.

Did you know?

The tribunal found that this could be associated with a sexual act rather than purely violence, and the fact the allegations were not taken seriously, meant that this was direct discrimination.