

## *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.

### **Irn-Bru workers vote for strike action**

It is being reported that supplies of Irn-Bru could dry up over the summer as workers at AG Barr's production and distribution centre in Cumbernauld voted in favour of industrial action in a dispute over pay. Approximately 12 truck and shunter drivers are set to take part in the strike action after a 5% pay offer was rejected by workers. The Unite union is yet to confirm the dates of the prospective action.

#### *Did you know?*

Unite said that despite increasing its revenue by 18.2% in the last financial year, the company has not increased its pay offer. AG Barr is reported to have said that its pay offer is "fair and competitive".

### **Failing to act on complaint was direct discrimination**

On entering his workstation, a male employee was kneeled 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.