



This week in Employment Law

Making the most of summer jobs

Many businesses are likely to be approached by young people looking for jobs during the summer holidays. We look at the key points for employers considering hiring young workers to solve their summer staffing issues.

- Employing young workers has many benefits: it keeps costs low, as the minimum wage rate is lower, it may be work that older workers do not want to do, and the work can be used to assess the suitability of the individual for longer-term employment, such as considering whether a young person working in a hairdressers on a Saturday might be a suitable candidate for an apprenticeship.
- There are more restrictions on the hours that young workers can work, as well as an entitlement to longer breaks (young workers are entitled to a 30-minute break if they work more than 4.5 hours). This can make things more complicated for line managers when organising schedules, as they will have to pay close attention to individual workers' ages and ensure they schedule them in accordance with the rules for their age.
- Before recruiting young people, employers must assess the risks to their health and safety and decide whether they should be prohibited from doing certain types of work.
- Hiring young people is a great way to introduce them to the business, and it may even lead to future opportunities for the individual and the organisation.

Agency workers strikes decision won't be appealed

Following the High Court ruling earlier this month, that legislation brought in by the government in 2022 which allowed agency workers to cover for striking workers was unlawful, the government has announced that they will not appeal this decision. This means that the legal position will change from 10 August 2023, and it will be unlawful for employment agencies to knowingly supply agency workers to cover for striking workers.

Did you know?

Employment agencies who continue to knowingly supply agency workers to cover workers who are on strike will be breaching the law and liable to potential enforcement action in the civil courts.

New harassment provisions weakened

A Bill to increase employers' obligations to prevent harassment against its staff has been weakened after its latest debate in the House of Lords. Reinstatement of liability for third party harassment – harassment against employees by someone who does not work for the employer – has been removed. Also, provision in the Bill requiring employers to take all reasonable steps to prevent sexual harassment has been diluted.

Did you know?

Employers should remember that liability will still apply where the employer's failure to deal with third party harassment was itself motivated by the employee's protected characteristic.

Party disagreement was not discrimination

The claimant worked as part of a team all of whom, except for one, were younger than she was. In the run up to Christmas 2021 discussions took place about where to hold the Christmas party. The claimant put forward a venue primarily for children and families, however her colleagues proposed a venue that was less family friendly. The claimant resigned and brought claims of direct discrimination and harassment.

Did you know?

The employment tribunal struck out her claims on the basis that it was merely a disagreement about where to hold the party and there was no link between the remarks and her age.