

This week in Employment Law

Air traffic control issue disrupts flights across UK

Tens of thousands of UK travellers have had their flights delayed or cancelled due to a 'technical issue' with air traffic control on Monday. We look at the impact for employers.

- Although the issue was resolved on Monday, travellers across the UK are expected to experience significant delays on Tuesday, with concerns that the effects could last for days due to logistical problems such as planes and crews being in the wrong places, schedules needing to be re-drawn and the huge back-log of passengers.
- Employees who will miss their first day back at work because flight delays are affecting their return journey have a responsibility to get in touch with their employer to let them know they won't be back in work as planned. Normal absence notification procedures should be followed although it may be helpful if employees speak with their employer as soon as they know that they will not be back in time for work to give as much notice as possible for alternative arrangements to be made.
- If the employee does not get in touch, it would initially go down as unauthorised absence until they confirm to their employer why they were not in. Employers should keep an open mind and try to find out why. It may be that the timings of their delayed flight meant they were unable to get in touch when they should have.
- Try to come to an agreement over how to categorise the absence; for example, taking more annual leave, using up some time banked in lieu or taking unpaid leave.

Consultation opens on new strikes Code of Practice

The government has launched a consultation on its draft statutory Code of Practice that sets out the 'reasonable steps' trade unions should take to comply with the Strikes (Minimum Service Levels) Act 2023 that recently received Royal Assent. Under the Act, employers in certain sectors will be able to issue a work notice identifying who is needed to work during a strike and what work they must carry out to maintain minimum service levels.

Did you know?

If the trade union fails to comply with a work notice, the employer could claim damages from the trade union or an injunction to prevent the strike from taking place.

Pay growing at a record annual pace

The latest Labour Market Overview published by the Office for National Statistics (ONS) records annual growth in regular pay (excluding bonuses) as 7.8% in April to June 2023, the highest regular annual growth rate since comparable records began in 2001, highlighting the workforce pressures on many businesses. The CIPD also pointed out that the pay figures only resulted in real growth of 0.1% after inflation was factored in.

Did you know?

Most employees are unlikely to be seeing the benefits of this growth in regular pay due to the increased cost-of-living, so employers should continue to focus on ways to support financial wellbeing.

Job applicant found to have acted vexatiously

A male claimant, who lived in London, saw an online job advert seeking female takeaway staff in Glasgow and brought a claim for sex discrimination. The tribunal found that whilst the job advert was unlawful, the claimant had no intention to move from London to Scotland and his sole purpose was to seek money from the respondent. There was no less favourable treatment, and his claim was therefore dismissed.

Did you know?

The claimant was ordered to pay the respondent £697 because he acted vexatiously and unreasonably in bringing a claim which had no reasonable prospects of success.