



EMPLOYMENT LAW E-BULLETIN - MAY 2024

Welcome to our May e-bulletin. This month we cover a range of employment law issues including new employer guidance on the family friendly rights introduced last month, the use of biometric data in employment and, on the business immigration front, the UK's transition to digital visas. We also cover a recent Supreme Court judgment confirming a loophole in protection from detriment for striking workers and that rarest of judgments, the dismissal that was fair despite not following the usual procedures. Scroll down for full details on these and other employment law developments.

Our guest podcast this month features Tim LaTulippe from iDiscovery Solutions - see below for further details and for links to our other recent podcasts.

Finally, we have started to fix dates for our webinars in the second half of 2024 and you can register for free via the link below. Scroll down to find out more.

MEET OUR EMPLOYMENT LAW PARTNERS



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Head of Employment Team

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Lindsey Cartwright
Partner

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Alan Delaney
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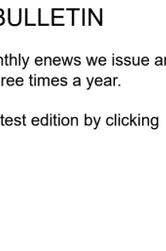
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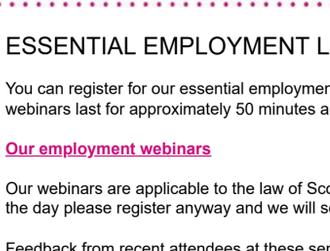
Kenny Scott
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David Walker
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EQUALITY BULLETIN

As well as our monthly enews we issue an Equality Bulletin three times a year.

You can see the latest edition by clicking below.

[Read More](#)

ESSENTIAL EMPLOYMENT LAW WEBINARS

You can register for our essential employment law webinars by clicking on the link below. Our webinars last for approximately 50 minutes and are free to attend.

[Our employment webinars](#)

Our webinars are applicable to the law of Scotland, England and Wales. If you can't attend on the day please register anyway and we will send you a recording of the webinar.

Feedback from recent attendees at these seminars include "Speakers with a personal lived experience of the subject always make these types of sessions more engaging and that shone through in this session", "Always informative and relevant, presented by people with strong business acumen", and "A brilliant webinar which covered a lot of topical areas".

For links to our recent essential employment law webinars click below.

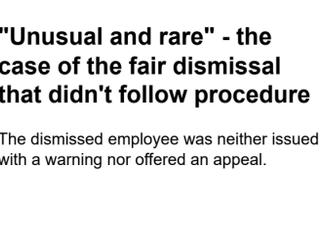
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GUIDANCE

New employer guidance available on new employment rights

With multiple new and amended family friendly rights in force last month it is no surprise that new and updated guidance has been published by the UK Government, Acas and the ECHR.

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CASE REPORT

"Unusual and rare" - the case of the fair dismissal that didn't follow procedure

The dismissed employee was neither issued with a warning nor offered an appeal.

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DATA PROTECTION

Potential pitfalls of using biometric recognition equipment in employment

Guidance has recently been issued by the Information Commissioners Office on biometric data.

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CASE REPORT

Trial period may be a reasonable adjustment

The Employment Appeals Tribunal (EAT) has upheld an employment tribunal judgment that not offering a trial period was a failure to make a reasonable adjustment.

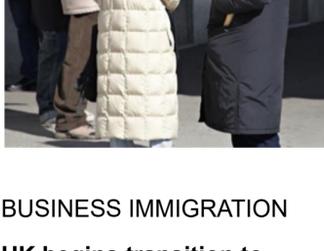
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LABOUR RELATIONS

Trade union law fails to protect striking workers from detriment

The Supreme Court has ruled that the Trade Union and Labour Relations (Consolidation) Act 1992 ("TULR(C)A") is incompatible with the European Convention on Human Rights ("ECHR").

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BUSINESS IMMIGRATION

UK begins transition to digital visas

This is a process employers need to be aware of and will need to monitor to ensure their right to work records are up to date.

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ROUND UP

Employment Law Round-up

Our monthly round up of the employment law related news you may have missed.

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OUR EMPLOYMENT LAW PODCASTS

Our guest podcast this month features Tim LaTulippe.



Digital Departures

David Hossack is joined by [Tim LaTulippe](#) from iDiscovery Solutions to discuss investigative steps that employers might take when there is a concern about sensitive information being taken by a departing employee.

[Listen Here](#)



Can a 'social media storm' justify a dismissal?

David Hossack and Caroline Maher discuss a recent EAT case that considered whether there had been direct religion and belief discrimination or harassment when a Christian actor was dismissed from a role.

[Listen Here](#)



Can a trail period in a new role be considered a reasonable adjustment?

David Hossack and Lily Braunholtz discuss a recent case looking at whether redeployment in an alternative role for a trail period could be considered a reasonable adjustment under the Equality Act 2010.

[Listen Here](#)

You can find all our latest podcasts on our website.

[WEBSITE](#)



EMPLOYMENT LAW FACTCARD 2024/25

Our MFMac 2024/25 Fact Card is available now. The Fact Card is full of useful information for employers including disciplinary and redundancy checklists, Employment Tribunal award limits, family friendly leave entitlements and national minimum wage rates.

You can download and/or print our Fact Card. [Download the printable version](#) to create your Fact Card.

The information contained in our Fact Card, and much more, can also be accessed via our employment law app, [MFMAC HR](#), where you can also find our podcasts and monthly e-news. Search for MFMAC HR at the App store or at Google Play.

"...the app is gorgeous, very well designed with great functionality and looks" - Legal IT Insider ([www.legaltechnology.com](#))

If you don't usually get sent our Fact Card but would like a hard copy please email us at [employment@mfmac.com](#) with your name and postal address and we will send it on to you.

EMPLOYMENT LAW SUPPORT FOR YOUR ORGANISATION

How we can help

Clear employment law advice from one of the leading employment teams in Scotland.

- More Law Society accredited specialists than any other team in Scotland
- Clear, pragmatic, cost effective, legally privileged advice
- Fixed fee packages available (including Tribunal awards insurance, if required)

The team acts quickly and are totally available. The team offers great service on time and they are always responsive.

Chambers and Partners 2023 Edition

Please contact innes.clark@mfmac.com if you have any questions or would like to discuss your requirements in more detail.

Employment law training

We offer a practical series of employment law courses covering key employment law and related HR issues including:-

- Disciplinary and grievance issues training
- Managing employees (Performance) training
- Managing employees (Sickness Absence) training
- Discrimination and harassment training
- Employment Tribunal Procedure and Witness Familiarisation training
- Immigration & Employment training
- GDPR: the practical day to day skills you need to know in the workplace

Our course are designed for business owners, HR professionals, line managers, in-house lawyers, finance team members, charity trustees and board appointees.

All of our courses have a very practical focus, drawing on our many years of experience advising both employers and employees.

Our courses can be delivered face to face or via a live webinar. Contact innes.clark@mfmac.com to find out more.

CONTACT US

If you have any questions on the content of this e-bulletin or if you would like to discuss any other employment issue then please contact any of the Employment Law Partners listed below or speak to your usual employment team contact:-

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