



KIPPEN CAMPBELL LLP

EMPLOYMENT BULLETIN

APRIL 2022 EDITION

This will be one of a series of Bulletins providing regular updates on developments in Employment Law which should be of interest to all Employers. In addition to employment updates, I have decided to provide links to various online employment resources which many Employers are unaware of. I hope that you will find the Bulletins to be of interest and of practical use.

5 POINTS WE THINK YOU SHOULD KNOW AND WHICH MIGHT AFFECT YOUR BUSINESS/ORGANISATION

1. WRITTEN STATEMENT OF EMPLOYMENT PARTICULARS

Many Employers overlooked the change in the law relating to the right of Employees and Workers, including casual and zero hours workers, to a Written Statement of Employment Particulars [from day 1](#).

Please note that the relevant particulars can be included in a Contract of Employment or letter of engagement.

Prior to 6th April 2020 only Employees were entitled to a Statement of Written Particulars. The written statement had to be given to Employees by the end of the second month after employment began. This is no longer the case.

There are penalties for failing to do this.

If you require assistance in providing a compliant written statement or Contract of Employment, please contact Sally or myself.

2. ANNUAL INCREASE IN COMPENSATION LIMITS

If your business or organisation is taken to an Employment Tribunal for a basic unfair dismissal claim potential compensation will increase from 6th April 2022 to **£93,878.00!** It is important therefore that when carrying out disciplinary processes you have a compliant Disciplinary Procedure and understand the basics of the ACAS Code which Tribunals expect Employers to follow.

I have attached the link to the ACAS Discipline and Grievances at Work Handbook which is a good starting point and covers both disciplinary and grievance processes.

<https://www.acas.org.uk/sites/default/files/2021-03/discipline-and-grievances-at-work-the-acas-guide.pdf>

At the same time as an increase in the compensatory award “one week’s pay” (which is used for both Tribunal Basic Awards and calculating a redundancy payment) has been increased to a maximum weekly figure (gross) of **£571.00**.

3. VEXATIOUS GRIEVANCES

Many organisations have difficulties dealing with certain Employees who raise vexatious grievances which occasionally they then refuse to pursue or withdraw.

In a recent Employment Appeal Tribunal case it was held that a dismissal for gross misconduct relating to the raising of vexatious grievances was fair.

However, please note that this has to be handled extremely carefully but at least it is an option which many Employers might instinctively decide not to pursue.

4. CHANGES TO CONTRACTS “AND FIRE AND REHIRE” OF EMPLOYEES

This was one way that Employers could make changes to a Contract of Employment. ACAS has published guidance on alternative options. I have attached the link below. It is an extremely complex area of law and if you intend to embark upon it I would suggest that you take the appropriate advice.

<https://www.acas.org.uk/changing-an-employment-contract/employer-responsibilities>

And finally....

5. PREGNANCY AND MATERNITY DISCRIMINATION

There have been a number of recent Tribunal decisions where Employer's actions have resulted in pregnancy and maternity discrimination claims (where there is no maximum compensatory limit!).

It is crucial that Employers understand fully the law in relation to this area and treat pregnant Employees in compliance with the law.

One of the most commonly overlooked points is when a redundancy process is underway. Where there is a redundancy exercise, and an appropriate vacancy exists the pregnant Employee **must** be offered the alternative employment under a new contract that begins on the day immediately following the day on which their previous Contract comes to an end.

However, there is some flexibility in so far as the new work must be "suitable" in relation to the Employee and appropriate for them to do in the circumstances but other than that where there are a number of possible candidates, even objectively "superior" to the Employee on maternity leave, the Employee on maternity leave must be given priority.

As always, if you have any queries relating to Employment Law, please contact either myself or Sally McCartney as per the contact details below.

Kind regards
Steve

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