

Rejection of flexible working request was reasonable

An employment tribunal has held that an employer was correct to reject a senior manager's flexible working request to continue working from home, in a welcome decision for employers as the post-Covid "return to work" goes up a gear.

- A senior manager working for the Financial Conduct Authority (FCA) and earning around £140,000 per year had been working entirely from home since the beginning of the Covid pandemic in 2020. She had management responsibilities for 14 staff, being the direct line manager of four and indirect line manager for 10.
- She submitted a flexible working application to enable her to continue working entirely "remotely", which was refused by the FCA.
- The FCA said that approving the request could have a detrimental impact on performance or quality of output, as she would not attend "face-to-face training sessions, departmental away days/meetings" and she would not be able to "provide face-to-face training or coaching to team members or new joiners". They also said that her "ability to input in management strategy meetings and be involved in in-person collaboration will also be negatively impacted."
- The employment tribunal found that the FCA's decision to reject her flexible working request was not based on incorrect facts.
- The Employment Judge highlighted the limitations of technology, noting that, "it is the experience of many who work using technology that it is not well suited to the fast-paced interplay of exchanges that occur in, for example, planning meetings or training events when rapid discussion can occur on topics."
- This is a reassuring decision for employers dealing with similar situations.

EHRC to update current Code of Practice

The Equality and Human Rights Commission (EHRC) recently revealed that it will not be releasing a new Code of Practice on sexual harassment at work, as had previously been promised. Instead, the existing statutory Code of Practice will be updated as well as the EHRC technical guidance on this subject. This is to reflect the new duty requiring employers to take reasonable steps to prevent sexual harassment in the workplace that is expected to come into force in October 2024.

Did you know?

Tribunals will be able to award an uplift on sexual harassment compensation by up to 25% where an employer is found to have breached this new duty to prevent sexual harassment.

Calls for rapid review of new Immigration Salary List

Home Secretary, James Cleverly, has written to the chair of the Migration Advisory Committee (MAC) commissioning it to carry out a rapid review of the planned Immigration Salary List in time for its implementation in the spring Immigration Rules. The Government plans to remove the 20% going rate discount for occupations on the Shortage Occupation List (SOL), which will be renamed the Immigration Salary List (ISL), along with the increases to the minimum salary threshold for a skilled worker visa.

Did you know?

The Croner Advice Service are on hand to answer any queries you have about hiring foreign workers and can help you to successfully navigate what can often be a complex area.

Employee who shared gender-critical beliefs wins claim

The claimant shared gender-critical beliefs online and a complaint was received. She was suspended for a year before receiving a written warning. She brought a claim to the tribunal for harassment. The tribunal found that her posts fell within her protected rights for freedom of thought and freedom to manifest her beliefs. They did not consider that the respondents struck a fair balance between her right to freedom of expression and the interests of those who they perceived may be offended by her posts.

Did you know?

The tribunal found that there was a lack of rigour in the investigation and an apparent willingness to accept a complaint from one side of the gender self-identification/gender-critical debate.

Managing the health and safety of sedentary workers

Sedentary working increases the risk of developing certain health problems and can have a long-term impact on employees' psychological wellbeing. As an employer, you are responsible for the wellbeing of your employees. You can do the following to help your employees, encourage gentle exercise and walking throughout the day to improve circulation, take regular breaks, rotate tasks such as filing, photocopying, and making coffee, train key members of staff in AED and CPR, and ensure that suitable medication is available.

Did you know?

Sedentary lifestyles are commonplace among office workers, but to make matters worse, a large portion of employees don't feel encouraged to lead an active lifestyle.

Need help managing flexible working applications? Contact our 24-hour Advisory Service for up-to-date guidance on this and more.

Please contact the 24 hour advice service for advice on your specific situation before acting on the information in this publication.