



This Week in Employment Law

Consultation on employment tribunal fees

The Ministry of Justice has launched a consultation into the proposed re-introduction of fees in the employment tribunals (ET) and Employment Appeal Tribunal (EAT). We look at what employers need to know.

- The proposal is to introduce “modest” fees for claimants to bring a claim in the ET and appellants bringing an appeal in the EAT.
- Fees were previously in place from July 2013 to July 2017 but at a much higher rate.
- They were removed in 2017 after the Supreme Court ruled that fees were unlawful.
- Parliamentary Under-Secretary of State, Mike Freer, said: “The Ministry of Justice has carefully considered the 2017 Supreme Court ruling on the previous approach to fees in the ET and has endeavoured to ensure that the fees proposed in this consultation are proportionate and affordable, in line with the judgment.”
- The amount being consulted on is a £55 issue fee that is payable by the claimant on bringing a claim to the ET with the same fee charged in the EAT, payable per judgment, decision, direction or order of an ET being appealed.
- Those who cannot afford to pay the proposed fees would be supported by the Government’s fee remission scheme, Help with Fees.
- The deadline for responding to the consultation is 25 March 2024.

Home Office announces dates for immigration changes

Commencement dates for new measures aimed at reducing net migration have been confirmed by the Home Office. On 11 March 2024, the restrictions on care workers bringing their dependants to the UK will come into force. Removal of the 20% going rate discount for occupations on the Shortage Occupation List will take effect on 14 March 2024. The increase to the minimum salary requirement for a skilled worker visa will be effective on 4 April 2024 and from 11 April 2024, increases to the minimum salary for family visas will begin in stages.

Did you know?

Employers will need to ensure that their HR teams and recruiting managers are up-to-date with these developments.

“National Sickness Day” falls this week

According to statisticians, the first Monday of February is the most likely day for workers in the UK to call in sick which is why it has become known as “National Sickness Day”. Falling this year on 5 February, it is the day when employers may receive more calls complaining of colds, flu or even food poisoning although surveys suggest that the real reasons tend to be that people just feel tired. Employers should make sure that employees feel able to open-up about any issues they are experiencing that may be affecting their attendance.

Did you know?

The Croner Advice Service can help organisations to successfully manage recurring short-term absences.

EAT finds against worker status

The claimant was engaged through a service company to provide services to the respondent. The claimant brought an ET claim stating that he was an employee. The ET held that whilst not an employee, he was a worker because he was integrated into the respondent’s business. On appeal the EAT disagreed and found that he was neither an employee nor a worker. There was no contract with the claimant as it was between the service company and the respondent, so he did not satisfy the first part of the test for worker status.

Did you know?

This case highlights the importance of correctly identifying an individual’s employment status.

PPE – It’s for their protection but your obligation

Personal protective equipment has been a legal requirement for over 30 years, but what do we need to do? Ensuring employees all wear their PPE is as much the responsibility of the employer as it is the employee. Here are our top tips when it comes to PPE: Train workers on how to wear the PPE correctly. This could include masks, gloves or other types of PPE. Training should be recorded and toolbox talks are great ways of recording the training. Provide storage for PPE in a suitable, clean environment.

Did you know?

Employers often provide personal protective equipment without providing the correct documentation.

Employers can reduce the risk of tribunal claims by treating their employees fairly and consistently. 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.