

In This Edition

- An ET has ordered a pilot to repay £4,725 in training costs after the employer discovered that he had provided a false reference using the name of a character from Star Wars.
- Mind launch an online Mental Health at Work gateway to help workplaces improve staff wellbeing following a survey of 44,000 employees which revealed that 48% have experienced a mental health problem at work.
- The EHRC has published the results of research which shows that ethnic minority and disabled people's careers are at risk because employers are failing to collect meaningful data on representation in the workforce.
- A survey of 2,000 employees and recruiters found 85% of interviewers admitted asking 'off-limits' questions during the recruitment process and 47% had never received training on the questions to ask.

False reference from Star Wars character costs employee £4,725

The Employment Tribunals Act 1996 and the accompanying Extension of Jurisdiction Order 1994 allows an employee to bring a breach of contract claim which arises, or is outstanding, on termination of employment, and gives the employer the right to make a counterclaim. In [Francis-McGann v West Atlantic UK Ltd](#), FG was employed as a pilot and agreed to repay his training costs where his service exceeded 6 months. The employer discovered that FG had provided a false reference, purporting to be from Desilijic Tiure, which is actually the alternative name of Jabba the Hut, a character from Star Wars. This amounted to gross misconduct and although the employer could have summarily dismissed FG he was given the opportunity to resign with immediate effect. The ET rejected FG's breach of contract claim that he was entitled to 3 months' notice pay, as the employer had ample grounds to summarily dismiss him. The ET then upheld the employer's counter claim and ordered FG to repay his £4,725 training costs.

Half of workers have experienced poor mental health in current job

The Duke of Cambridge and Mind have launched an online Mental Health at Work gateway to help workplaces improve staff wellbeing following a survey of 44,000 employees which revealed that 48% have experienced a mental health problem in their current job. The survey also revealed that only half of those who had experienced poor mental health had talked to their employer about it, suggesting that as many as one in four UK workers is struggling in silence. The [gateway](#) brings together information, advice, resources and training that workplaces can use to improve wellbeing and give employees the mental health support they need.

Data deficit hampering progression of ethnic minority and disabled staff at work

The EHRC has published the results of [research](#) which shows that ethnic minority and disabled people's careers are at risk because employers are failing to collect meaningful data on representation in the workforce. Whilst 77% of employers say that workforce diversity is a priority: just 44% record or collect data on whether employees are disabled or not; only 36% record or collect data on employee ethnicity; merely 23% collect data on staff pay and progression that can be broken down by ethnicity and disabled and non-disabled staff; and, only 3% of organisations actually analyse this data to explore differences in pay and progression between different ethnicities and disabled and non-disabled staff. The EHRC is calling for mandatory reporting for organisations with over 250 employees.

85% of interviewers have asked inappropriate questions while recruiting

A survey of 2,000 UK employees and hiring managers from Hyper Recruitment Solutions found 85% of interviewers admitted asking 'off-limits' questions during the recruitment process. People Management [report](#) that the survey revealed that 56% of recruiters confessed they had asked a candidate whether they had children, while 51% said they had asked whether somebody was married. 46% had quizzed candidates about the origins of their accents and 45% queried whether a jobseeker had grown up outside the UK. 47% of recruiters revealed they had never received formal training on the questions to ask during an interview.

Content

This update provides summary information and comment on the subject areas covered. Where employment tribunal and appellate court cases are reported, the information does not set out all of the facts, the legal arguments presented, and judgments made in every aspect of the case. Click on the links to access full details. If no link is provided, contact us for more information. Employment law is subject to constant change either by statute or by interpretation by the courts. While every care has been taken in compiling this information, SM&B cannot be held responsible for any errors or omissions. Specialist legal advice must be taken on any legal issues that may arise before embarking upon any formal course of action.

Follow us on  for all the latest news