

In This Edition

- An ET awards a disabled employee £44,000 because of the employer's failure to make reasonable adjustments when it did not install properly functioning voice recognition software in a timely fashion.
- The BEIS is seeking views on extending redundancy protection for pregnant employees, mothers returning to work and parents returning from other types of statutory leave, e.g. adoption leave.
- UK Visas and Immigration have published an updated checklist explaining the types of documents that are acceptable for checking an employee's right to work and how long the check is valid for.
- Acas have issued a timely reminder about its guidance for employers on workplace issues over winter months together with specific advice on travel disruption and bad weather.

£44,000 award after employer failed to install properly functioning voice recognition software

In [Procter v \(1\) Haxby Group Practice & \(2\) McEvoy](#), P is disabled having arthritis in both hands and tendonitis of the wrist and arms. She spent 7.6 hours per day at her computer and experienced pain in both hands and arms. P resigned stating that the employer had failed in its duty to make reasonable adjustments, i.e. to provide properly functioning voice recognition software. The wrong software was purchased initially, but when the medical version was eventually installed there were further problems and the employer had said: "you could say in an ideal world, we could have done more, but people did their best". An ET upheld P's claims of disability discrimination and constructive dismissal and awarded her £44,000. The employer failed to comply with its duty to make a reasonable adjustment in providing P with properly functioning voice recognition software in a timely fashion. Had the proper software been operating effectively it would have substantially alleviated her disadvantage.

Consultation on extending redundancy protection for mothers returning to work

Under Regulation 10 of the Maternity and Parental Leave Regulations 1999, before making a woman on ordinary or additional maternity leave redundant, employers have an obligation to offer her a suitable alternative vacancy, where one exists, giving the woman priority over other employees at risk of redundancy. The Government is [seeking views](#) on: (i) extending the scope of the current protection under Reg 10 for those on maternity leave to women who return to work from maternity leave, with the protection lasting for a period of 6 months after their return; (ii) extending Reg 10 protection to start at the point a woman informs her employer in writing that she is pregnant; and (iii) extending Reg 10 protection beyond statutory maternity leave to those returning from adoption leave, shared parental leave and longer periods of parental leave.

Updated employers' right to work checklist published

UK Visas and Immigration have published an updated checklist explaining the types of documents that are acceptable for checking an employee's right to work and how long the check is valid for. The [Employers' Right to Work Checklist](#) covers the steps required to conduct a physical document check or where the employer uses the Home Office 'online right to work' service. The latter reflects the change to legislation that came into force from 28 January 2019 that an employer solely using the online service following the procedure specified in the last section of the checklist will be excused from paying a civil penalty for employing an illegal worker.

Acas guidance for employers on winter weather issues

Acas have issued a timely reminder about its guidance for employers on [workplace issues over winter months](#) together with specific advice on [travel disruption and bad weather](#). The former includes top tips on winter colds and flu which can lead to an increase in workers calling in sick, and wellbeing in the workplace where winter can sometimes exacerbate conditions such as stress and depression. The latter includes advice on paying delayed or absent workers, paying workers when an employer decides to close, school closures and other unexpected issues and working temperatures during bad weather.

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 help 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.

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