



## EMPLOYMENT NEWSLETTER - OCTOBER 2017

Welcome to the latest edition in which we hope you will find something to interest both you and your business. If there is anything in particular you would like to know more about, please do let the employment team know.

### Employment Tribunal Fee refund scheme

Further details have now been announced and the employment tribunals fees reimbursement scheme has been launched. This is to be implemented in two stages, with the government initially writing to around 1,000 eligible parties inviting them to apply for reimbursement. The scheme should then be rolled out in November to other eligible parties.

Those entitled to a refund include:

- Parties who paid an issue fee which was not later paid by their opponent;
- Parties ordered to pay their opponents costs and can show they paid them.

If you think you may be entitled to a refund, you should register your interest by e-mail to: [ethelpwithfees@hmcts.gsi.gov.uk](mailto:ethelpwithfees@hmcts.gsi.gov.uk)

You can find further details [here](#)

### Mental Health in the Workplace

The spotlight has been on mental health issues this month with the publication of the "Thriving at Work" review carried out by the Department for Work and Pensions in conjunction with the Department for Health and new ACAS guidance being published.

The Thriving at Work review found that approximately 300,000 workers with long-term mental health problems lose their jobs every year and explores the current state of mental health in the workplace together with ways employers can support the mental health of their employees.

The review suggests that around 15% of employees have symptoms of an existing mental health condition and estimates that poor mental health is costing employers between £33 billion and £42 billion a year, as a result of sick leave, staff turnover and less productivity.

The review also sets out a "vision" for reducing the numbers who leave work with mental health problems to 100,000 and includes proposals for "mental health core standards" that could be implemented across all workplaces at little or no cost. These proposals include introducing

mental health at work plans, developing mental health awareness in the workplace and providing employees with good working conditions.

You can read the full report [here](#)

Also this month, ACAS published new guidance about managing mental health issues in the workplace, which includes a number of recommendations and contacts for further support. You can read the full guidance [here](#)

### **Segregation of boys and girls at faith school was direct discrimination**

The Court of Appeal has determined that a Muslim faith school's segregation of girls and boys amounts to direct sex discrimination for each sex, with the consequence that the previous decision of the High Court was wrong in its finding that there was no discrimination because the boys and girls were equally disadvantaged.

The case reiterated that direct discrimination has to be assessed from the perspective of the individual and therefore it did not require the treatment of one group to be compared with another.

### **NEW LEGISLATION PROPOSED: Parental Bereavement**

The Parental Bereavement (Pay and Leave) Bill 2017-19 was published on 13 October 2017. It is a Private Members' Bill, but as it has government backing it is expected to become law. The proposed legislation would amend the Employment Rights Act 1996 and the Social Security Contributions and Benefits Act 1992, giving the Secretary of State power to make regulations to give employees, who lose a child below the age of 18 (including a still birth after 24 weeks), the right to:

- At least two weeks' leave (regardless of their length of service). This leave would not impact existing rights to leave or pay (such as parental leave or maternity pay).
- At least two weeks' statutory bereavement pay. Employees with at least 26 weeks' service would also be entitled to be paid the prescribed rate or 90% of their average earnings (whichever is lower) for this period.
- Employees will be protected from detriment, redundancy and dismissal as a result of taking bereavement leave.

If the legislation is approved, the new regulations are expected to be introduced in 2020.

***If you are responsible for HR matters within your business (or interested in employment law discussion), please contact us to attend the monthly HR Exchange with Julie Taylor from GL and Michelle Bailey from People Essentials. The next Newbury meeting is on Monday 6 November at 5pm.***