

Welcome to Stephensons' quarterly employment newsletter where you can find the latest employment law news for HR professionals and business owners to ensure you are up-to-date and compliant with the law.

This issue includes:

- Comment: calls for emails sent while commuting to be classed as work
- How to avoid employment tribunal claims
- Your guide to handling the redundancy process correctly



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If you require further information about any of our employment and HR services please visit [our website](#), [email us](#) or call **0333 344 4771**.

Calls for emails sent while commuting to be classed as work

A study by the University of the West of England, suggests that commuters are so regularly using their commute to and from the office to send emails, that it should be counted as part of the working day.



The research examined 5,000 rail passengers on commuter routes into London as WiFi technology becomes more common on trains. It found that 54% of commuters using the trains WiFi were sending work emails, either preparing for their day ahead, or catching up on work they couldn't get done during office hours. The findings have once again raised the question of work-life balance in the UK and

whether it's healthy to extend the working day beyond contracted hours.

Philip Richardson, Partner and Head of [Employment Law](#) at Stephenson's said:

“The quest to achieve the perfect work-life balance has always been a precarious one, both for employees and employers. Often the boundaries between the two are increasingly blurred and open to interpretation, with many employment contracts failing to provide any adequate clarity. This research underlines the need for organisations, in a digital age, to address the issue and recognise that working practices have changed.

The findings will also add more weight to those calling for the introduction of new legislation for workers to secure the ‘right to disconnect’ out of hours – similar to measures already brought in across Europe.”

How to avoid employment tribunal claims being brought against you

According to Ministry of Justice statistics, single employment claims rose by 90 percent in the final quarter of 2017 compared to the same quarter the previous year.

This increase follows the abolition of employment tribunal fees in July 2017. Employees feel more empowered than ever to bring claims against their employers now that they do not have the financial restraints they once had. But, what does this mean for you as an employer? And how can you avoid employment tribunal claims being brought against you?

[Read more](#)

If you do find yourself facing an employment tribunal claim against you our expert employment law solicitors can help you. To speak with one of our specialists please call us on **0333 344 4771** or [email us](#), leaving your contact details, and we will contact you as soon as possible.

Your guide to handling the redundancy process

An increasing number of employers are looking at ways of making cost savings. Unfortunately for many employers they will have no option other than to consider making employees redundant. Although many employers will have perfectly legitimate reasons for making redundancies, it is still important that employers follow a reasonable procedure if there are no alternatives to redundancy available. Download our guides below for guidance on the correct procedures you should follow to avoid claims against you from employees.



Employment law solicitors

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The law

Employers who plan to make more than 20 employees redundant over a period of 90 days or less have a legal duty to consult with trade union representatives or elected employee representatives if there is no trade union.

Consultations must begin:

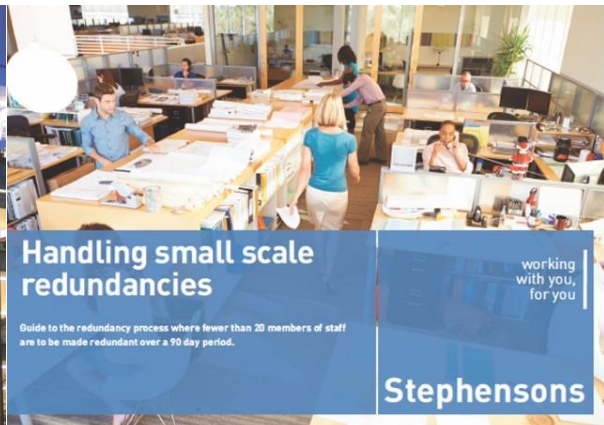
- At least 30 days before the first dismissal if between 20 and 99 employees are to be made redundant over a period of up to 90 days.

- At least 90 days before the first dismissal if 100 or more employees are to be made redundant over a period of up to 90 days

Employers must consult with the representatives of any employees who may be affected by the proposed redundancies. The consultation should take into account ways in which dismissals could be avoided, how the number of employees facing dismissal could be reduced and justifying the reasons for dismissals. The consultation should be undertaken with a view to reaching an agreement with the representatives regarding these issues.

During the consultation process employers have a legal requirement to disclose information to the appropriate representatives to allow them to fully understand the process. The information which must be disclosed in writing includes: the reasons for the proposed redundancies, the amount and descriptions of the

[Guide to handling large scale redundancies](#)
(more than 20 employees)



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Considering suitable alternative roles is a key element of a fair redundancy process. Redundancy should be a last resort. If you unreasonably fail to look at suitable alternative positions then you may leave yourself open to tribunal claims. If a suitable alternative position is found for an employee elsewhere in the business and they chose to accept it it is good practice to consult with them on issues such as: the impact on their salary where the position is of a lower pay grade and arrangements in relation to travel and expenses where the position accepted is in a different location.

If no alternative roles are available the consultation process should commence.

You will need to brief managers with in your business regarding the decision to conduct redundancy proceedings. It may be that they require support and training, particularly if staff in their team are being considered for redundancy and they are expected to liaise with them. Managers should be involved throughout the process and so need to be fully informed and understand the business need for the decision. If you are the only manager at your company you may consider obtaining help and support from specialists in this area. Our solicitors are specialists in employment law and HR support and can advise and support you during the redundancy consultation process if you require it.

[Guide to handling small scale redundancies](#)
(fewer than 20 employees)

Here our employment law solicitor Adam Pennington discusses the importance of specialist legal advice and following the correct procedures to ensure the process is fair to employees and doesn't leave businesses open to potential unfair dismissal claims. If you would like more information about making employees redundant and the procedures involved call us on **0333 344 4771** and a member of our team will be happy to assist.



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