

Welcome to Stephensons' quarterly employment newsletter where you can find the latest employment law news, tips and advice for HR professionals and company owners to keep updated and compliant on employment law and changes.

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



Philip Richardson
Head of Employment Law

Issue of gig economy workers still alive and kicking

A recent employment law case is seen by many as the most significant step yet in bringing the rights of 'casual workers' in-line with those enjoyed by full-time employees. Martha McKinley, an employment law expert, explains the decision in our latest blog.

[Read more](#)

What can employment law tell us about the Denny Solomona case?

New Zealand born rugby player Denny Solomona sparked controversy when he allegedly breached his contract at the end of last year by switching codes from Ruby League's Castleford Tigers to Rugby Union's Sale Sharks. This case highlighted a number of interesting legal issues, particularly the importance of restrictive covenants in contracts of employment.

What is a restrictive covenant and why are they important?

A restrictive covenant is normally included in an employment contract to prevent an employee from competing with his/her former employer for a defined length of time after they have left the

business. It may also prevent the former employer from poaching staff or dealing with clients. In order for this to be enforceable, it must do two things:

- protect legitimate business interests; and
- extend no further than is reasonably necessary to protect such interests.

Our employment law solicitors can assist in [drafting contracts of employment](#) to make sure that they are legally sound and include all the correct terms and conditions, including the drafting of any restrictive covenants. For employment law & HR advice call us on 0333 344 4771 or [email us](#) with your enquiry and contact details and we will be in touch directly.

[Read our blog on the Denny Solomona case](#)

Breastfeeding and work: a thing of the future?

With breastfeeding being such a topical and controversial issue within the media, many female employees would expect their employer to understand their decision to breastfeed their new baby, even if returning to work.



Where do you stand, and are your policies up to date?

To avoid a discrimination claim being brought against you it is vital that your policies and procedures are reviewed regularly and are compliant with the law.

Sex is a protected characteristic under the Equality Act 2010 and so it is therefore of utmost importance that your policies and procedures relating to new mothers returning to work do to not put them at a disadvantage.

What can you do to aid breastfeeding mothers returning to work?

As an employer you could find yourself at the centre of a discrimination case if you do not make

reasonable adjustments or allowances to help mothers returning to the workplace, particularly those who are still breastfeeding. In particular, a recent case has highlighted the need to consider flexible working patterns where this can be accommodated to help them give their child the care they need without having to make the choice between caring for their child or returning to work.

Stephensons' expert team of employment law solicitors specialise in drafting legally compliant policies and procedures and are also experienced in [defending discrimination claims](#). If you would like advice regarding any of your workplace policies and procedures call us on 0333 344 4771 or [email us](#).

[Read our blog](#)

Sexist dress codes: fine or should companies be fined?

Since a highly publicised case in October involving a female employee being sent home from work after refusing to wear high heels many women have come forward to state that they believe they have been subjected to a sexist dress code within their employment.

The law and the 'high heels and the workplace dress code' report

Under section 19 of the Equality Act 2010 indirect discrimination can occur when an employer applies a provision, criterion or practice (PCP) that puts an individual at a disadvantage when compared to others. In this case, a dress code that mostly applies to women puts them at a disadvantage to men.



For example, a dress code that requires a female receptionist to wear high heels throughout their shift could cause her a considerable amount of pain in comparison to a male counterpart not required to wear heels.

A recent report ('high heels and workplace dress codes') found that MPs are of the view that financial penalties for employers found to have breached the law should be increased to deter

employers from continuing to implement sexist dress codes. A government spokesperson stated: "no employer should discriminate against workers on grounds of gender - it is unacceptable and is against the law. Dress codes must be reasonable and include equivalent requirements for both men and women."

Do you have a dress code and is it up to date?

Considering the strict legislation in place regarding discrimination it appears that many employers are still side-stepping the law and are continuing to implement what are considered by many to be a sexist dress code. If your business has a dress code it is worth reviewing it in order to make sure that it is not outdated. Requiring women to wear skirts and/or high heels may be found to be indirect discrimination.

If you do unfortunately find yourself accused of [indirect discrimination](#) our solicitors have a wealth of experience in defending these claims. If you require our advice or assistance call us on 0333 344 4771 or [email us](#) and we will be in touch with you.

Our employment law services

Our employment law solicitors specialise in providing HR advice and employment support to businesses and employers. Our areas of specialism include but are not limited to:



- Drafting terms and conditions, policies and procedures
 - Providing [advice on recruitment](#)
 - [Advice on performance](#)/capability issues
 - Employee management
 - Dealing with [grievances](#)
 - Dealing with [disciplinary](#)/dismissal issues
 - Re-structures/[redundancy](#)
- Defending all types of tribunal claims including unfair dismissal, all types of discrimination claims, wrongful dismissal and breach of contract

We also offer two packages which aim to help businesses stay compliant with the law and assist with their HR function. These are:

- [HR Assist](#) - HR support which ensures businesses are kept compliant and avoid costly disputes arising
- [Workplace Plus](#) - a tailored employment solution, more likely to lead to increased staff commitment and improved productivity. Watch our video to find out more about this package.

If you require our assistance with any of the above or for information about any of our services please call our expert team on 0333 344 4771 or [email us](#).



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