

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 your business up-to-date and compliant with employment law.

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



## **Ruling by Supreme Court could see an increase in employment tribunal claims**

The Supreme Court has ruled that fees imposed for those bringing employment tribunal claims are 'unlawful' in a ground-breaking case.

The government introduced the fees in 2013 with the aim of reducing the number of malicious and weak cases, which led to a 79 per cent reduction over three years.

However, campaigners argued that the fees prevented workers from getting access to justice, with the Supreme Court ruling that the government was acting 'unlawfully and unconstitutionally' when the fees were introduced. The government is now expected to have to pay back close to £30 million in fees.



The decision has raised fears among business leaders with some predicting a fresh influx of spurious and unfounded claims against employers with claimants no longer having any financial risk in bringing a claim.

Lord Reed, the justice handing down the court's ruling said the justices concluded the fees "have resulted in such a substantial and sustained fall in the number of claims being brought that it points to the conclusion that a significant number of people have found the fees unaffordable."

Philip Richardson, Head of Employment Law at Stephensons, said: "Prior to 2013, we had a system that was widely criticised for being unbalanced in favour of the claimant – the employee – who was bringing a case against his or her employer.

The absence of any fees rewarded those who might have had speculative or even baseless claims because there was no financial risk to dissuade such people from bringing a case to tribunal.

“Equally, after the fees reforms, we had a system that was widely criticised for being unbalanced in favour of the employer, with the



costs involved in bringing a case being prohibitive to genuine claimants who were unable or unwilling to risk their own money; particularly when the companies responding would have greater financial wherewithal to get professional legal representation.

“This morning’s decision throws the whole system into doubt and it remains to be seen what steps will be taken to provide certainty in the coming days.

“In my view, what is needed is new approach that is fair to both claimants and respondents. This decision is a rare opportunity for those in a position of power to take stock of the failings of past fees regimes and set out a reasonable solution for all concerned.”

Our employment law solicitors are experienced in [defending employers against claims from employees at tribunal](#). If you need advice or representation please contact us on 0333 344 4771 or [email us](#) - including your contact details - and we will be in touch as soon as possible.

## Make up in the workplace

Typically, until recently make-up was used as something primarily used by women. However more and more brands are catering for and advertising to men. When it comes to men wishing to wear make up in the workplace it is your duty as an employer to ensure that they feel comfortable and are protected from discrimination. Find out how you can protect them in our blog below:



[Read more](#)



HR support specialists at Stephenson's can help employers make sure their documentation, contracts and policies are up to date and draft bespoke contracts and policies through our [Workplace Plus](#) package, to ensure that your company is compliant with the law and minimise the risk of employee disputes. Watch our video on the left to see how Workplace Plus can help your business.

To discuss our Workplace Plus package with a HR support specialist or to obtain advice regarding avoiding discrimination in the workplace please call us on 0333 344 4771.

### Men and mental health at work

A recent survey by the mental health charity, Mind, has revealed that the workplace is the biggest cause of mental health problems for men. It also revealed that men are less likely than women to ask for help with their mental health issues because they may feel ashamed or embarrassed.

[Read more](#)



Stephenson's support Mind as our Charity of the Year and we understand that as an employer looking after your employees' wellbeing is of utmost importance to ensure your staff are happy, productive and less likely to take time off sick. Mind have a wealth of resources to help employers manage and support staff with mental health issues and to promote a mentally healthy workplace.

[Visit their website for access to these useful resources.](#)

### Paternity leave - are your policies up to date?



Paternal leave is currently covered by the Equality Act 2010 and permits parents to share up to 52 weeks of leave incorporating 39 weeks of statutory maternity pay/allowance.

A recent case saw a father win a landmark discrimination case after his employer threatened to cut his wages following his request to take paternity leave.

This is the first reported instance where a father has successfully relied upon these regulations in the employment tribunal, since their implementation.

[Read more](#)

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