



RAWORTHS EMPLOYMENT NEWSLETTER February 2005

Porn In The Office

Downloading or viewing pornographic material at work can amount to sex discrimination, even if such material was not shown to a female colleague and even if she did not complain. *Moonsar-v-Fiveways Express* (2004).

Mrs Moonsar's male colleagues watched pornographic films on their office computers during an evening shift. Mrs Moonsar did not see, nor was she shown the images. However, she was aware of what her colleagues were doing. She found this behaviour unacceptable but didn't complain.

The Employment Appeal Tribunal found that the downloading of pornographic material in these circumstances was degrading and/or offensive to an employee as a woman and as such amounted to less favourable treatment and sex discrimination. The fact that she did not complain doesn't provide a defence where the behaviour is so obvious.

Sun readers and Pirelli Calendar purchasers beware!

Compensation In The Employment Tribunals – Some Statistics

From 1 February 2005 the maximum compensation which an Employment Tribunal can award for unfair dismissal rises to £65,200 (basic plus compensatory awards).

Remember: there is no limit on the awards that can be made in discrimination claims!

The most recent statistics show an increase in applications to the Employment Tribunal of 17% - let's see if the new application form puts people off!

In 2003, compensation awards in discrimination claims totalled £4.2m and let us not forget the record pay out made to Julie Bowyer (for sex discrimination) of £1.4m in 2002. However, there is no need for employers to panic – large awards are generally few and far between. Latest statistics show that the average award for unfair dismissal is £3,375.

From 1 February 2005, the maximum weekly pay used in the statutory redundancy calculation increased from £270 per week to £280 per week. This is also used when calculating the basic award.

Work-Related Stress

This is increasingly a problem for employers in terms of damage to the business; sickness absences and (potentially) Employment Tribunal/personal injury claims.

13.4m working days are lost in the UK due to stress-related illness with a cost to businesses of £3.7bn. It's a problem that's here to stay and employers should be aware of the causes of work-related stress and how to deal with them.

The Health & Safety Executive produced a report on the subject in 2004 identifying six key stressors in the workplace:

- The DEMANDS made on an employee

TOP TIP - check you are not overloading employees with work and if you are, look at re-distributing it or recruiting extra staff.

- The CONTROL the employees have over their work.

TOP TIP - actively involve employees in the decision making process.

- The SUPPORT the employees have from managers and colleagues.

TOP TIP - ensure that your grievance procedures are adequate and that employees are able to raise such issues at team meetings.

- The ROLE of employees in the workplace.

TOP TIP - make sure employees have a clear job description and that the induction processes are comprehensive.

- The RELATIONSHIPS the employees have their work colleagues

TOP TIP – ensure grievance, disciplinary, bullying and harassment policies are up-to-date and that everyone is aware of their rights and obligations in this respect.

- The CHANGES to the business

TOP TIP – Ensure you inform (and consult) employees prior to any changes taking place. Ideally, share the information at team meetings.

If you have any specific questions relating to your business, please contact:

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