



RAWORTHS EMPLOYMENT NEWSLETTER June 2006

Excuse you, Miss !

A deputy-head teacher who claimed constructive dismissal because her school failed to replace a chair which made 'farting' noises has lost her £1 million claim.

Sue Stoner claimed she had to apologise to parents, colleagues and pupils when her chair made an embarrassing noise to the point where it became a regular joke.

When the two male deputy-heads received brand new chairs and she was overlooked, she quit her £48,000 a year post and claimed it further added to a catalogue of sexist behaviour.

The Employment Tribunal ruled that she was neither unfairly dismissed nor discriminated against. The Tribunal chairman said "we find that by reason of her status and seniority, she was free to arrange for the purchase of such necessary office equipment (*presumably including non-farting chairs!*) as she from time to time required, without prior reference to any of her colleagues."

Compensation awarded to punched worker

A worker who quit his job after being punched in the face by his boss has, not surprisingly, won his claim for unfair constructive dismissal and been awarded £13,500 in compensation as a result. Sounds like reason enough to keep your cool when dealing with difficult employees!

Statutory Dismissal Procedures and Redundancy

Although redundancy is not a "disciplinary sanction", it is still a type of dismissal and the Statutory Dismissal Procedure (SDP) still applies.


- **Step 1** of the SDP requires an employer to tell the employee the reason for dismissal. So set out, in writing, that the employee is 'at risk' of redundancy.
- **Step 2** – the employer is required to inform the employee of the basis for the grounds for dismissal (not necessary to be in writing) and must give enough detail for the employee to respond to.
- If a matrix system is being used, the employee should be told of the selection criteria and the scores he/she has achieved. There is no requirement to tell them of the threshold score to be exceeded to remain employed or the scores of the other employees.

New Age Discrimination Regulations – Are you ready?

The new Age Discrimination Regulations come into force on 1 October 2006 and many employers are ill-prepared for their arrival. The final Regulations have only just been published leaving less than six months for adjustments to be made.

According to research by the Department for Work and Pensions, almost half of the 2000 businesses surveyed 'monitor' their workforce, recruitment and pay in respect of age. However, only 5% of those businesses had taken action as a result of the monitoring.

All aspects of your business must be scrutinised to ensure compliance with the new legislation including, recruitment processes, retention, training, benefits and reward schemes, and retirement policies. (In Ireland, age-based claims account for 19% of employment cases!)

Health & Safety In association with Strathmore Services Limited	
Overcoming the Language Barrier	

In recent months our Safety Advisers, when visiting various workplaces, have noted an increasing number of non-English speaking persons working at or in various undertakings/businesses. An employer has a general duty under the Health and Safety at Work etc. Act 1974 to provide such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees and this duty extends also to non-English speaking employees!

Health & safety information - for example safety instructions, the results of risk assessments and / or any directions concerning safe methods of working - must be effectively communicated to these employees in a way that is comprehensible to *them!* In some cases, there may be another employee available to act as an interpreter and to translate safety information. Where this is the case the employer should ensure that the interpreter has a sufficient command of the relevant language to be able to do this effectively - including any technical terminology! Written health & safety information is a useful support for this and is freely available Health and Safety Executive website - www.hse.gov.uk/languages/index.htm. Information is available in many different languages and is backed up by a telephone interpreting service if needed - telephone the public enquiry service info-line on 0845 3450055. Tell the operator the language required and they will arrange for an interpreter to be connected into the telephone line.

If you want to know more about how to deal with the issues discussed here, please contact Ian Lynch at Strathmore Services Ltd of Harrogate on 01423 530350 – e mail safety@strathmore.co.uk

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

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