

Monday Morning Dispatch

YOUR WEEKLY EMPLOYMENT LAW NEWSLETTER FROM CHADWICK LAWRENCE LLP

Coming up this week...

- Sam brings you a pre-Easter update, discussing a gross misconduct unfair dismissal case involving a worker accused of vaping who was awarded £22k.
- Daniel's video explores a proposed Government update under the Employment Rights Act 2025, which will require large employers to produce equality action plans.
- In the news, we look at a case that explores how policies may be indirectly discriminating against employees.
- Plus, we have exciting news - our seminars are expanding into the Northeast! Find out more below.

The Legal Alternative Podcast



31. Gross Misconduct Unfair Dismissals: Worker Accused of Vaping Awarded £22k

This week, Sam provides a short pre-Easter update, discussing a recent unfair dismissal case involving gross misconduct and the importance of applying the 'band of reasonable responses' test when considering dismissal decisions.



The Media Hub



Equality Action Plans - coming soon to large employers

In this video, we explore the requirement for employers with 250 or more employees to prepare action plans aim at setting out steps to advance workplace gender equality. We discuss the aims of this measure under the Employment Rights Act 2025 as well as the proposed content of such plans.



In the News



When Policies Become Barriers: How Policies May Be Indirectly Discriminating Against Employees



In a recent case study, 18-year-old Alanah was told she would not be shortlisted for a trainee role at an estate agency because her car was too old. In a statement the Company stated: "It's extremely important that people who work for us use reliable vehicles for their own personal safety, particularly where they travel many miles each day and often work alone." Upon finding out the car was over 10 years old Alanah was told she would not be shortlisted for an interview as it was a requirement to have access to a vehicle under 10 years old. This is a clear example of a PCP (Provision, Criterion or Practice) which may seem acceptable but indirectly exclude people from being able to apply. This blog will discuss how PCP's may be indirectly putting people at an unfair disadvantage and how to avoid potential discrimination allegations.

What is a PCP (Provision, Criterion or Practice)?

The concept of a PCP is relatively wide, and no definition is given under the Equality Act 2010. However, the courts tend to refer to any workplace rule, requirement or policy that an employer applies to their employees as a PCP.

Within the application of a PCP, it is important to ask if the PCP is looking to achieve a legitimate aim and if so, is the PCP proportionate to achieving that aim.

In the above example the PCP was that staff must have a car no older than 10 years old to ensure that staff were driving a reliable car. In Alanah's circumstances her 2014 car had fewer than 40,000 miles and no mechanical problems yet she was excluded from application due to the 'vehicles condition'. Whilst the Company may have had a legitimate aim to ensure that employees were using reliable vehicles – the car age requirement was not proportionate to achieving that aim as a cars age does not always reflect the reliability of the car.

What is indirect discrimination and where was it present in this case study?

Indirect discrimination occurs in the workplace when a rule, policy, or practice places a particular group of people at a disadvantage compared to others.

For example, in this case study Alanah was indirectly discriminated as whilst the vehicle age itself is not a protected characteristic, the car-age requirement disproportionately impacts younger applicants, who are far more likely to own older, cheaper vehicles due to high insurances costs. Therefore, by asking applicants to own a newer car they were indirectly discriminating against younger applicants.

How can employers manage their PCPs going forward?

It's important to ensure that during the application of a PCP that people are not being put at an unfair disadvantage. It is not always enough for an employer to state that they may make reasonable adjustments or change the PCP once aware of the disadvantage – they must actively exercise their discretion to prevent any disadvantage from arising. Employers should carefully consider what specific adjustments can be implemented to ensure that an employee is not placed at a disadvantage.

Upcoming Seminars & Events



We are thrilled to announce Chadwick Lawrence are expanding into the North East! As part of our launch, we will be hosting seminars in our Darlington office. For more information and to register, please click below:

Employment Law & Recruitment Market Update *with Hays*



TIME
8:30 AM - 10:00 AM
LOCATION
Hays Leeds Office, LS1 8EQ



NEW

Employment Law Update



TIME
8:30 AM - 10:00 AM
LOCATION
Chadwick Lawrence Darlington Office, DL1 1GL



DARLINGTON

NEW

Managing Flexible Working Requests - Legal & Practical



TIME
8:30 AM - 10:00 AM
LOCATION
Chadwick Lawrence Darlington Office, DL1 1GL



DARLINGTON

Mental Health Awareness Sessions

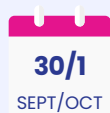
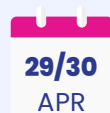


We're partnering with Tailored Learning Solutions to offer two day, in person, accredited Mental Health First Aid courses at our Wakefield office.

Accredited by MHFA England® and the Royal Society for Public Health, MHFAiders will improve knowledge and develop skills to support someone who may struggling and what to do with crisis support.



MHFA 2 day (all day events) - £300 +VAT pp.



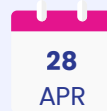
(Includes 3 year membership to the Associate for MFAiders, 3 years access to the MHFA Support App, Immediate wellbeing support via SHOUT charity, Quarterly Webinars and optional Level 3 OfQual Examination accredited with the Royal Society for Public Health)



MHFA Refresher - £125 + VAT pp.

9:30 AM - 13:30 PM (Includes same benefits as above)

Managing Neurodiversity in the Workplace - for Managers (CPD Certified 8hrs) - £250



1 Hour
(9:30 AM)



1 Day
Workshop

Both sessions need to be attended for the full CPD hours manager course, but the awareness can be attended as a stand alone event without the managers day (hope that makes sense). If you have learners just wanting the webinar this will be £50 pp. 1 hour CPD certificate but no access to benefits.

(Learners that attend both the webinar and managers course can access a free learning portal with additional resources for 3 years with new information being frequently, review slides, notes and videos at any time).

More info on MHFA and ND courses can be found here:

<https://www.tailoredlearningsolutions.co.uk/mental-health-first-aid>

Contact Us



For questions, feedback, article ideas, or story contributions, email boxhr@chadlaw.co.uk and we'll be in touch.

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