

Monday Morning Dispatch

YOUR WEEKLY EMPLOYMENT LAW NEWSLETTER FROM CHADWICK LAWRENCE LLP

Coming up this week...

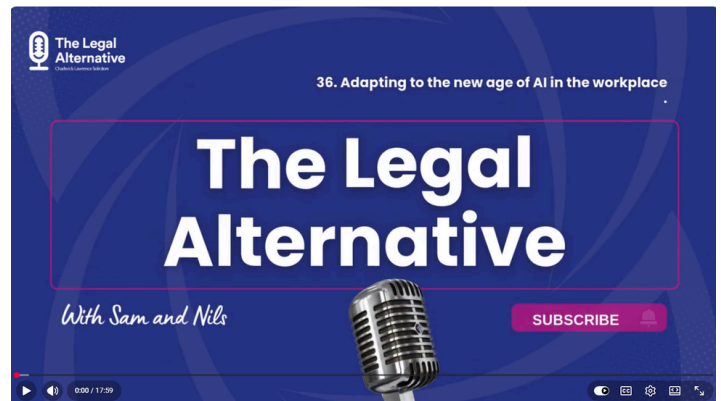
- Sam and Nils discuss the ever present growing impact of AI entering the workplace.
- This weeks article addresses changing attitudes around flexible working in the workplace.
- Tickets are still available for our next Flexible Working Seminar taking place this Thursday over at our new Darlington Office!

The Legal Alternative Podcast



36. Adapting to the new age of AI in the workplace

Sam and Nils discuss the ever-present growing impact of AI entering the workplace, focusing on its role in the UK's Crown Court and the rise of AI-generated employment grievances. They explore how AI tools are streamlining legal processes while also complicating HR with sophisticated, exaggerated complaints. This episode offers insights into balancing AI's benefits with its challenges, making it essential for legal and HR professionals navigating this new landscape.



In the News



Long Hours and Poor Process: Lessons from a Constructive Dismissal Case



A recent Employment Tribunal case highlights the risks employers face where attendance, working practices and employee well being are not managed properly.

Here, the Tribunal awarded a veterinary surgeon, Michelle Beckett, a total of £12,758.77 after finding that she had been constructively dismissed and subjected to an unlawful deduction of wages.

Background

Ms Beckett worked for CVS between 21st September 2020 until 2nd July 2024, when she resigned due to burnout. It was established that she regularly worked long hours, often without taking lunch breaks, and experienced consistently busy working days.

Moreover, the working environment was also found to be challenging. The Tribunal described the practice as having a “toxic environment”, with tension between reception staff and the rest of the team.

On 3rd January 2024, Ms Beckett was signed off work for two months due to work-related stress and associated mental health issues. Ahead of her return on 5th March 2024, she made it clear to the practice director that the issues she had witnessed at work had contributed to her health problems.

Importantly, an Occupational Health Report confirmed that her history of stress and depression could affect her mood and interactions at work. Furthermore, the report also suggested ways in which CVS could support her return.

Although Ms Beckett returned on a phased basis, the reality was that she continued to experience high levels of pressure. She reported that she was still unable to take proper breaks due to the high demands of her role.

For example, in April 2024, she was contacted by the practice director before her shift to assist with a personal matter involving a pet. She then continued working until 8pm, resulting in a working day of more than 10 hours without a break- despite being on a phased return.

In May 2024, Ms Beckett was invited to a meeting which she believed was to discuss a change in line management. However, the meeting turned into what the Tribunal described as an “informal disciplinary meeting”.

During this meeting:

- Allegations were raised about her behaviour, including claims that she had been “uncivil” to colleagues;
- She was criticised for raising concerns;
- The practice director referred to the stress she had experienced when Ms Beckett treated her dog.

Importantly, no specific examples of the alleged behaviour were provided, which left Ms Beckett feeling distressed and upset.

Moreover, the Tribunal also heard that:

- The practice director had not read the Occupational Health report before the meeting;
- No proper consideration had been given regarding how Ms Beckett’s health may have influenced her behaviour;

- No meaningful thought had been given to implementing the recommended support measures.

Ms Beckett resigned on 2nd July 2024, reasoning that she could not agree to a record of a disciplinary meeting that was unfair and without any evidence.

Tribunal's Findings:

The Tribunal found in Ms Beckett's favour and awarded:

1. £813.60 for unlawful deduction of wages;
2. £2,450 for unfair dismissal; and
3. £9,495.17 as a compensatory award.

Key Takeaways for Employers:

1. Ensure employees can take rest breaks

Under the Working Time Regulations 1998, workers are generally entitled to:

- 11 consecutive hours' of uninterrupted rest per 24-hour period.
- 24 hours' of uninterrupted rest per week (or 48 hours' of uninterrupted rest per fortnight).
- A 20 minute rest break when working more than six hours per day.

For the avoidance of doubt, working time includes any period when an employee is:

- At the employer's "disposal"- meaning the employer can tell them what they can or cannot do during this time.
- Carrying out work activities, duties and training.

While the Working Time Regulations state that employees are entitled to these rest periods, if an employee chooses to work without these rest periods, the employer would not necessarily be in breach of the regulations.

However, the employer should ensure to design rotas to include these breaks, so it is clear employees have the option to take them. This is because legal action can be taken (as it was here) if the employee has been prevented from exercising their rights or are victimised for doing so.

2. The Importance of Occupational Health

Where medical or occupational health evidence indicates that an employee's health may be affecting their behaviour or performance, employers should:

- Carefully consider the advice provided;
- Explore appropriate support or adjustments; and
- Avoid rushing into disciplinary action without addressing the underlying issues.

3. Follow a Fair & Transparent Process

Employers should ensure that any disciplinary process is fair and transparent. In particular:

- Employees should be given proper notice of meetings and the issues that will be discussed;
- Allegations should be clearly explained and supported by evidence; and
- Meetings should not be presented as something else (i.e. a management discussion when it is, in fact, disciplinary in nature).

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:

NEW

Managing Flexible Working Requests - Legal & Practical

18
JUN

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.

29/30
APR

1/2
JUL

30/1
SEPT/OCT

(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)

 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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