

## **Veteran Discrimination/Reservists in the work place**

The defence secretary, Philip Hammond, is expected to announce details today of how the Army will be restructured, including plans for a "Reaction Force" made up entirely of highly-trained regulars that will be ready to be deployed at short notice.

**Philip Henson: Partner and Joint Head of Employment Law at boutique London law firm DKLM LLP, says**

### **Now is the time to protect our veterans**

*Whilst we ponder the likely effect that the defence policy shift will have, now is the time to look at ways where we can give enhanced protection to the servicemen and servicewomen who return to the workplace after active service. We should also consider how we can help their families, who may need to take time off work to care for veterans if they are injured. Our cousins in North America already offer some protection to veterans, and we owe it to the servicemen and servicewomen, who bravely defend our country, to act now.*

### **Help train business owners about the rights of reservists**

*A reliance on reservist forces has the potential to lead to future employment tribunal claims if employers are not aware of their duties and responsibilities. More should be done to engage with business owners and SME's about the rights of reservist forces, and how the call up system operates.*

*Many employers, especially SME's who do not have an in-house HR or legal function, may struggle when dealing with every day HR issues such as grievance and discipline procedures. I am quite confident that few business owners will be familiar with the main legislative provisions that govern the rights and duties of reservists - the Reserve Forces Act 1996 and the Reserve Forces (Safeguard of Employment) Act 1985; let alone the Reserve Forces (Call-out and Recall) (Exemptions Etc) Regulations 1997.*

*I would hazard a guess that very few employers appreciate that if they terminate a reservist's employment on the grounds that they may be mobilised at a future date, they may be guilty of a criminal offence, and may be ordered to pay compensation, or a fine; and that the employee may also have a claim for unfair dismissal.*

*Procedurally when a reservist is to be mobilised, employers receive a written notice from the Ministry of Defence, together with an explanation of their rights and obligations. Employers have the right to seek an exemption for their employee from the mobilisation if, for example, their absence would cause harm to the business..*

### **Strict Time Limits**

*Employers may not appreciate that the time limits to apply for an exemption, deferral or revocation are very strict. Any application must be made within seven days of receiving the mobilisation notice. In a busy working environment such a strict limit - much shorter than the time limit to put a defence in to an employment tribunal claim for example - may easily be missed.*

### **Financial Assistance schemes**

*There are financial assistance schemes in operation to help employers claim financial assistance to cover the additional costs of replacing an employee who is mobilised, over and above their earnings, but these schemes are not widely publicised. Click [here](#) for more info.*

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### **Notes for Editors:**

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