Employment Brief

sgh martineau

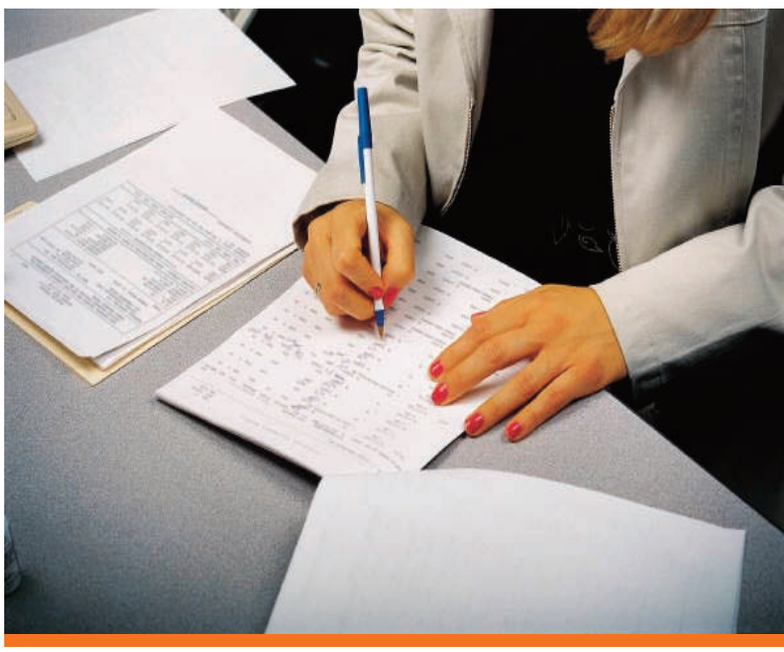
ILLEGAL CONTRACTS: WHEN CAN AN EMPLOYER WITHHOLD WAGES?

The recent Employment Appeal Tribunal case of *Okuoimose v City Facilities Management* held that an employer cannot withhold an employee's wages based on a reasonable belief that the employment contract is illegal; the relevant question is whether the contract was in fact illegal.

The case concerned a Nigerian citizen who was married to an EEA national, residing in the UK. Mrs Okuoimose's passport indicated that she had the right to reside and work in the UK, as a family member of an EEA national, until 18 July 2010.

City Facilities ("CF") contacted the UK Boarder Agency ("UKBA") for guidance on Mrs Okuoimose's ongoing right to work in the UK and was informed, by letter, that UKBA had "checked their records and [could not] confirm that ... this individual is currently entitled to work in the UK on the basis of an outstanding application." The letter went on to note that "unless your employee is able to provide you with appropriate evidence of their entitlement to work, you will not have a statutory excuse against liability for payment of a civil penalty for employing an illegal migrant worker."

As a result of UKBA's letter CF suspended Mrs Okuoimose without pay on 18 July 2010. CF later dismissed Mrs Okuoimose, but reinstated her when she produced a letter from UKBA, dated 16 August 2010, indicating that while her application to renew her permit was being processed she would be treated, for immigration purposes, as a family member of a legally resident EEA national and, as such, was free to live and work in the UK. Mrs Okuoimose asked to be paid for the period of suspension, between 18 July and 16 August, but CF refused to do so as it believed that the employment contract had become illegal during this period and was therefore unenforceable. Mrs Okuoimose did not agree and brought an Employment Tribunal claim for unlawful deduction from wages.



At first instance the Tribunal agreed with CF. However, the EAT overturned the decision, holding that the factual position was key to this matter. The EAT concluded that it was irrelevant that CF believed it was acting reasonably. The facts were that Mrs Okuoimose was married to an EEA national meaning that she was entitled to live and work in the UK at all times and this was not affected by her failure to obtain a new stamp in her passport. As such, CF had unlawfully made a deduction from Mrs Okuoimose's wages during her suspension.

Implications

This case serves as a stark reminder that employers must take great care when dealing with individuals who appear not to be legally entitled to work in the UK but are married to an EEA national. Employers should consider seeking specialist legal advice in such situations to avoid being held liable even though they may believe they are acting in a perfectly reasonable manner.

CONSTRUCTIVELY DISMISSED BY THE HOME SECRETARY?

The holder of the office of Home Secretary is never far from the front pages. Theresa May is no different. At this year's Conservative Party Conference her story regarding the pet cat of a man applying for leave to remain in the UK caused a furore and she is now caught up in a storm of particular interest to employment and HR practitioners.

The Home Secretary is ultimately responsible for who does and does not come into the UK, the day to day powers of which are managed by the UK Border Agency. In November 2011 Brodie Clark, Head of the UK Border Force, resigned following a disagreement over the instructions provided to UK Border Agency personnel at airports and ports.

The facts are somewhat unclear at this stage, but it appears to be agreed that during the summer, to ease congestion at airports and ports, the Home Secretary authorised a pilot scheme, allowing some checks on European travellers to be relaxed. The Home Secretary claims that Mr Clark went much further than this, scaling back the level of checks on non EU nationals without her approval. In a recent interview Brodie Clark has admitted that he had "no evidence" that ministers knew that finger print checks had been relaxed, which they had. He also accepted that he should have more "thoroughly checked" what the Home Secretary did or did not know.

Law on Constructive Dismissal

Following his resignation, Mr Clark has stated that he intends to bring a claim of constructive dismissal in relation to his treatment by the Home Secretary. In order to prove that he has been constructively dismissed, Mr Clark will have to show that either there was a series of breaches of his contract and a final straw on which he relies, or alternatively that his employer was in fundamental breach of contract, entitling him to treat his employment as having come to an end.

An employee who claims that they have been constructively dismissed is entitled to walk away from his employer without giving notice, the employer having allegedly terminated the contract of employment by its actions and the notice provisions therefore no longer being operative. The employee would then sue the employer for constructive unfair dismissal arguing that there was no fair reason for the termination and also would bring a breach of contract claim for the value of the notice period under the contract.

If the value of the contractual claim is over £25,000 then that claim would need to be brought in the civil courts rather than the Employment Tribunal. Therefore, in Mr Clark's case there are likely to be separate proceedings in the Employment Tribunal (for the constructive unfair dismissal claim) and in the High Court (for the breach of contract claim).

Merits of the claim?

Applying the facts of Mr Clark's case to the law on constructive dismissal, Mr Clark's admission that he probably should have "more thoroughly checked" what the Home Secretary knew does not appear to support his case. However, there is the potential that a Tribunal or Court will see the Home Secretary as having acted as judge, jury and executioner in respect of Mr Clark's position. Mr Clark had initially been suspended when the facts of the case came to light. The Home Secretary subsequently made a statement to the House of Commons that Mr Clark must "take full responsibility for his actions". Such a statement arguably assumed that Mr Clark was in the wrong and that he was responsible for the incorrect application of the policy. The purpose of Mr Clark's suspension had been to allow investigations to be carried out into what had happened. The Home Secretary's statement to the House of Commons, which precipitated Mr Clark's resignation, arguably pre-empted the outcome of those investigations by pointing the finger of blame at Mr Clark. Whilst the Home Secretary's actions can be understood in a political context, seeking to deflect the blame from herself when under considerable pressure because of the uncertainty as to exactly who had come into the UK as a result of the relaxed checks, from an employment law perspective the assumption of Mr Clark's guilt will put the Civil Service on the back foot in defending any claims brought by Mr Clark.

Putting aside the political storm around this matter and the specific facts, it remains a lesson to employers not to pre-judge the outcome of an investigation by assuming the guilt of the party under investigation. Doing so could undermine the fairness of that investigation and any subsequent dismissal and/or lead the employee to resign, as Mr Clark did, and with it provide the right to bring claims of constructive unfair dismissal and breach of contract.

REASONABLE ADJUSTMENTS: CAN AN EMPLOYER REFUSE TO MAKE ADJUSTMENTS BASED ON COST ALONE?

Under the Equality Act 2010 (and previously under the Disability Discrimination Act 1995) employers have a positive duty to make reasonable adjustments to their premises or their employees' working arrangements to ensure that a disabled employee or a disabled job applicant is not put at a substantial disadvantage when compared with a non disabled person. Failure to make such reasonable adjustments may result in claims being brought against the employer for disability discrimination.

However, can an employer conclude that the adjustments are unreasonable based on cost alone? This was considered in the recent Employment Appeal Tribunal case of *Cordell v Foreign and Commonwealth Office*, where it was held that, in principal, an employer can refuse to make adjustments on the basis of costs alone.

What Were the Facts of the Cordell Case?

The case concerned an individual who was employed by the Foreign and Commonwealth Office ("FCO") and was working in the FCO's Poland office. Ms Cordell was profoundly deaf and required the assistance of a team of lip-speakers whilst at work. The lip-speakers were based in the UK and each individual would work for two weeks at a time in Poland. The cost of providing the lip-speakers, including airfares and accommodation, was approximately £146,000 a year.

Ms Cordell was later offered a promotion, which involved moving to the FCO's office in Kazakhstan. A few months previously, the FCO had introduced a Reasonable Adjustments Policy, which indicated that adjustments costing over £10,000 were subject to a specific procedure to assess whether they were in fact reasonable. It emerged that providing the same level of lip-speaking assistance for Ms Cordell in Kazakhstan would cost significantly more (the FCO estimated this to be in the region of £290,000 per annum, although this was disputed by Ms Cordell), so the FCO revoked its offer of promotion, concluding that the cost of the adjustment was unreasonable.

Ms Cordell brought an Employment Tribunal claim for breach of the duty to make reasonable adjustments under the DDA.

What did the Tribunal decide?

The Tribunal held that the FCO had not breached its duty to make reasonable adjustments. It concluded that the costs of making the adjustments would be in the region of £249,500 per annum (slightly lower than the FCO's estimate) and were therefore unreasonable. The Tribunal concluded that its decision would "impose some limitations on the sort of posting the Claimant can expect in the future but on any objective test the cost of the agreed adjustments was simply unreasonable."

The Tribunal took the following factors into account when reaching its decision:

- The annual cost of the adjustment would equate to five times the salary of Ms Cordell, more than the entire annual cost of employing local staff at the embassy and not far behind the salaries of all the diplomats at the embassy in Kazakhstan.
- The cost would take up nearly half of the FCO's disability budget.
- The annual cost exceeded the cost of adjustments in Poland by over £100,000 and in London by around £180,000.

Ms Cordell appealed the decision.

What did the EAT decide?

The EAT dismissed Ms Cordell's appeal, indicating that although it was very sympathetic to her situation, the law did not require the FCO to compensate for Ms Cordell's misfortune "at whatever cost".

The EAT indicated that the factors considered by the Tribunal were an entirely legitimate way of putting the costs into context. The EAT went on to say that, when making decisions on reasonableness, Tribunals could consider factors including:

- the size of any budget dedicated to reasonable adjustments (although this cannot be conclusive);
- what the employer has chosen to spend in what might be thought to be comparable situations;
- what other employers are prepared to spend; and
- any collective agreement or other indication of what level of expenditure is regarded as appropriate by representative organisations.

The EAT concluded however that considering these factors can only help up to a certain point and ultimately there is "no objective measure for calibrating the value of one kind of expenditure against another". As such, the EAT held that, when considering whether the cost of an adjustment is reasonable or not, it is up to the Tribunal making a judgement as to what it considers to be "right and just".

Implications

At first glance this decision appears to be very good news for employers as, in practice, costs alone are often the main reason for deciding that an adjustment is unreasonable.

Employers will however be frustrated that the EAT did not give any definitive guidelines, but instead gave Tribunals a significant amount of discretion to decide on what they think is "right and just" on a case by case basis.

Employers are advised to consider the reasonableness of adjustments on a case by case basis, taking all factors into account and not to make arbitrary decisions, such as all adjustments over a certain value are to be deemed unreasonable.

KEEPING YOU INFORMED...

SGH Martineau offers a range of training packages aimed at educating HR professionals dealing with the realities of employment tribunals. Tailored specifically to suit a variety of budgets and training needs, the three flexible packages each provide valuable insight into the procedures surrounding Employment Tribunals, with the addition of a specially produced role-play tribunal DVD providing useful hints and tips.

The first of the three packages available is a practical workshop fronted by a member of SGH Martineau's Employment Group, during which up to 20 delegates will be encouraged to discuss the DVD and practice their own skills through a series of role-plays.

The second option provides a full-day 'Train the Trainer' session where up to five members of staff will be guided through all the information necessary to enable them to train their colleagues using the DVD.

The final package includes the DVD and training notes, which can be utilised by a workplace's internal facilitator to guide delegates through the tribunal process.

We are now also offering the three training packages accompanied by a new DVD providing specific guidance on how to deal with sickness absences, grievances, performance management and disciplinary issues.

Short trailers of both DVDs are available to view for free here: http://www.sghmartineau.com/Expertisepage.aspx?ExpertId=90

TRIBUNALS SPEED UP UNFAIR DISMISSAL CLAIMS PROCEDURE

All Employment Tribunal claims brought solely on the grounds of unfair dismissal will now progress a lot quicker following a new listing policy implemented nationwide by the President of the Employment Tribunals.

Earlier this year a number of regional Employment Tribunals successfully piloted the new policy, which requires Tribunals to list unfair dismissal claims for a one day hearing within 16 weeks of the date on which claim is served on the employer.

Although the new policy will mainly apply to straightforward unfair dismissal claims, it may also apply to unfair dismissal claims which have other money claims attached, such as redundancy payments, notice pay, unpaid wages and holiday pay.

What does this mean for employers?

Under the new listing policy, Tribunals will now send out case management orders when the claim is served on the employer. The orders will comprise a strict timetable for preparation for a hearing. This means that employers will need to act quickly and be extremely organised so as to meet the exacting deadlines.

Standard case management orders for an unfair dismissal claim now require the parties to comply with the following timetable:

- Four weeks from the date the claim is served on the employer (Service Date) – response due from the employer and the employee is to indicate what remedy he is seeking.
- Six weeks from Service Date – employer and employee to exchange documents.
- Eight weeks from Service Date – employer to prepare an agreed bundle of documents.
- Ten weeks from Service Date - employer and employee to exchange witness statements.
- One week before the hearing – both parties to prepare a statement of issues (but only where both parties are professionally represented).

All employers, especially larger employers which receive numerous Employment Tribunal claims each year, would be well advised to review the processes they currently have in place to ensure that they act promptly and proactively upon receipt of an unfair dismissal claim. Upon receipt of a claim, employers should begin searching for documents which will need to be disclosed to the other side and consider arranging witness meetings as soon as possible. However, an employer can, make an application to postpone a hearing if it is made promptly upon receipt of a claim and is for a justifiable reason.

The aim of the policy is to help employers dispose of simple unfair dismissal claims quicker and more cost effectively and to encourage parties to reach a settlement at an earlier date. However, whatever the intention there is no doubt that the strict time constraints of the new listing policy will be challenging. You will need to act quickly when other tasks and deadlines are at hand. There is likely to be a rush of applications to postpone hearings on the receipt of the ET1, though whether Employment Judges will be sympathetic to postponements remains to be seen; we suspect not, given the aim of the new regime.

DISMISSAL OF AN EMPLOYEE FOR WORKING A SECOND JOB WHILST ON SICK LEAVE WAS UNFAIR

In a recent decision, the Employment Appeal Tribunal held that an employer unfairly dismissed an employee on grounds of misconduct for having continued to work a second job whilst on sick leave from her other employer.

In *Perry v Imperial College Healthcare NHS Trust*, Ms Perry had two different part-time jobs. She was employed by Imperial as a community midwife, working 19 hours a week. Her role required her to carry out home visits and she travelled between her appointments by bicycle. She needed to be able to go to a number of different places and access different types of accommodation, including high rise apartment blocks without a working lift.

Ms Perry's second part-time job was as a family planning nurse for Ealing Primary Care Trust, a role which was clinic-based and situated within 100 yards of her home. The hours Ms Perry worked in each role did not clash in any way.

Ms Perry developed a chronic knee problem and as a result was signed off sick from her role with Imperial, as she was unable to access the community locations required by her job. However, she continued to work in her largely desk-bound job with Ealing.

When this fact came to Imperial's attention disciplinary proceedings were commenced against Ms Perry and ultimately she was dismissed for misconduct, the reason being that she had intentionally defrauded Imperial by claiming sick pay whilst simultaneously carrying out paid work for another employer. Imperial refused to take into account a letter from Ms Perry's GP stating that, whilst she was fit to carry out the work for Ealing, she was not fit to do the more demanding physical work required by Imperial. Upon appeal Imperial changed its argument, claiming that Ms Perry had breached an express term of her contract of employment which stated that she was not allowed to work elsewhere during sick leave without permission from her manager.

Imperial stated that, had it been made aware that she was fit for lighter duties, Ms Perry could have been deployed. Ms Perry argued that she thought this clause applied to someone taking a new job during sick leave, not to someone continuing to work in a job which she already had.

Ms Perry brought a claim for unfair dismissal against Imperial which was dismissed by the Employment Tribunal. Ms Perry appealed to the EAT, which held that the dismissal was unfair but reduced Ms Perry's compensation by 30% to take into account her contributory fault in relation to her breach of the express contractual obligation to seek permission to undertake a second job whilst on sick leave.

What does this mean for employers?

It is clear that employees can claim sick pay in respect of one job for which they are unfit and at the same time be fit enough to continue working in another job where the duties and demands on the employee are different. Such conduct does not amount to fraud. It is notable that in this case the hours Ms Perry was supposed to work in each job differed and at no point was Ms Perry working for Ealing during the same hours she was claiming sick pay from Imperial.

Employers should not expect employees to automatically inform them that they may be fit for alternative work and that redeployment is an option. Employers should make appropriate enquiries of employees on sick leave as to whether lighter duties or redeployment would be a reasonable alternative to sickness absence. If Imperial had adopted this approach it may found out much sooner that Ms Perry was able to carry out desk work and she could have been reassigned accordingly.

This case also makes it clear that where an employer realises that the original grounds for dismissal were unfair it should not simply try to rescue its case by imposing an alternative reason at the appeal stage. In this case it would have been better had Imperial begun the disciplinary process again, relying upon Ms Perry's breach of contract, in lieu of fraudulent behaviour, as the grounds for disciplinary action.

NO HOLIDAY PAY FOR SICK EMPLOYEES UNLESS IT IS REQUESTED

The Employment Appeal Tribunal has held that an employee on long term sick leave must request annual leave whilst on long-term sickness absence, or otherwise it will not carry over to subsequent years and payment in lieu will not be made for previous holiday years on termination (*Fraser v Southwest London St George's Mental Health Trust*).

The facts in Fraser

The case concerned a nurse ('F') who sustained a knee injury in an accident whilst working for Southwest London St George's Mental Health Trust ('the Trust') in November 2005. F went off on sick leave and her entitlement to sick pay expired in August 2006. F was certified fit to return to work in a limited capacity in November 2007, at which point the Trust began paying F again. The Trust however was unable to find work for F to do and eventually stopped paying her in March 2008. F was dismissed later that year and the Trust paid F in lieu of the untaken leave in her final leave year. The Trust did not make any payment in lieu of the previous two leave years and as a result F brought an Employment Tribunal claim, seeking payment of four weeks' holiday pay for each of those two years.

Decision of the EAT

The EAT held that an employee is only entitled to holiday pay under regulation 16(1) of the WTR if he has actually taken the leave to which the pay relates and has done so in accordance with the WTR by giving notice under regulation 15.

The EAT concluded that it would be inconsistent with the purpose of the Working Time Directive and the WTR for employees to receive holiday pay for leave which they have never taken. On the facts of this case F did not actually 'take' any leave during the two relevant years as she never requested it.

The EAT accepted that it might appear artificial for an employee to have to give notice of his intention to take holiday even though he is not at work, but noted that this reflects the artificiality of a period of long-term sickness counting as holiday at all.

The EAT was satisfied that the decision was consistent with the decision in *Pereda,* which made it clear that an employee has the choice of whether or not to take annual leave during his period of sick leave. The EAT noted that employees on long term sick do not necessarily lose their untaken leave at the end of the leave year. However, in order to carry over the untaken leave to the next leave year, the sick employee must make a request to their employer in this regard before the end of the leave year.

Inconsistencies with other recent case law

The decision in *Fraser* will be welcome news for employers who have employees on long term sick leave.

The case does however appears to contradict the recent EAT case of *NHS Leeds v Larner*, in which it was held that an employee who was on sick leave for an entire leave year and had not taken any holiday during that period, was entitled to carry over her four weeks' statutory leave to the next leave year. She then had the right to be paid for that annual leave upon the termination of her employment. The EAT concluded that the employee's failure to request holiday during the relevant leave year did not mean that she lost the right to payment.

The *Larner* judgment was handed down at the end of June 2011, with *Fraser* being heard, apparently in ignorance of *Larner*, at the start of July 2011 (although judgment was not handed down until November 2011).

Clarification may not be far away as the *Larner* decision has been appealed and is due to be heard in the Court of Appeal sometime between December 2011 and April 2012.

MANAGING OLDER WORKERS: HOW TO TERMINATE WITHOUT RETIREMENT

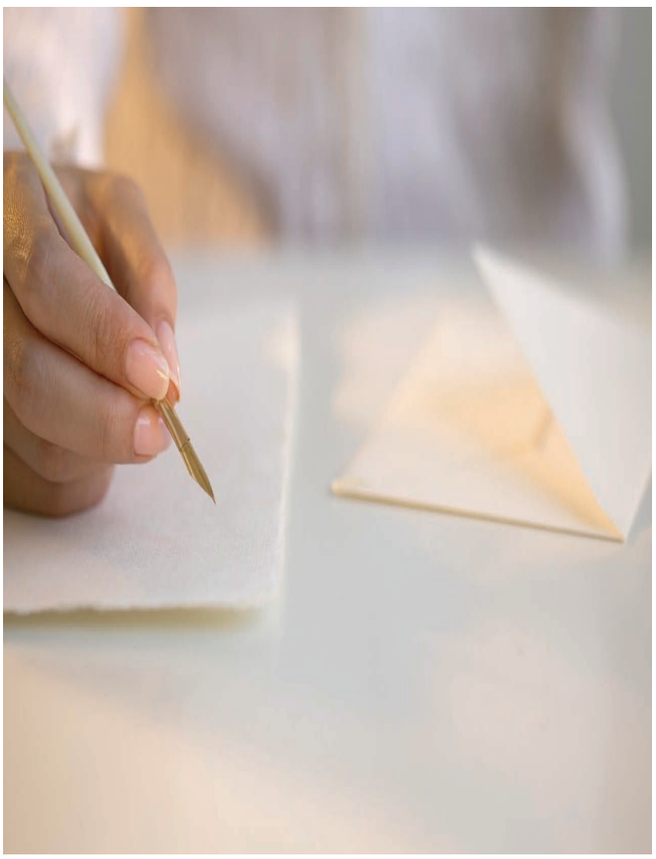
Now that the statutory default retirement age has been removed, managing and exiting older workers is going to be much harder. A recent survey of senior HR professionals in the UK revealed that 46% of employers feel that the abolition of the default retirement age will have a negative impact on their business and has made it harder to manage older employees out of the business.

Managers will be required to have difficult conversations with their older staff. In the first place, from an operational view point they will need to ascertain their older staff's intentions about how long they want to continue working, or whether they want to work more flexibly, without falling into the trap of making discriminatory remarks. Also, managers will have to tackle under performance head on, rather relying on the safety net of a retirement dismissal. Martineau is offering tailored training sessions aimed at human resource personnel, business leaders and managers to help them come to terms with the new regime. The training will benefit their employees and their business.

Topics covered include:

- Discussing the future – how and when to approach workplace discussions.
- Flexible working – exploring your options and obligations.
- Managing poor performance – dismissal on the grounds of capability.
- Having your own employer justified retirement age – what amounts to an adequate justification?
- An ageing workforce – the benefits and the drawbacks.

We offer a range of bespoke training packages which can be tailored to suit your requirements, from £750 plus VAT. All our workshops are practical and interactive and rely on a range of training aids which ensure that you and your staff will be well prepared to comply with your legal obligations in practice. All sessions are run by qualified lawyers.



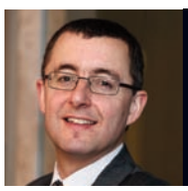
MEET THE TEAM

Following the merger between Martineau and Sprecher Grier Halberstam LLP there have been some additions to the Employment Group. We therefore thought that this would be an ideal opportunity to introduce the new faces as well reintroducing you to those who may be familiar already.

Jane Byford
Partner and Head of Employment

T: 0800 763 1378
E: jane.byford@sghmartineau.com

Jane has been Head of the Employment Group since 2006. Her work covers all aspects of employment law, including large scale redundancies and restructurings; discipline, performance and grievance issues; and senior terminations. Her specialism is employment litigation, particularly complex discrimination and equal pay claims. Jane also regularly trains line managers and HR staff, speaks at internal and external events and comments on employment developments on radio and television.



David Faulkner
Partner

T: 0800 763 1385
E: david.faulkner@sghmartineau.com

David joined the Group at SGH Martineau in 1996 and has been a partner since December 2003. He specialises in large restructurings, executive terminations, TUPE transfers of all shapes and sizes, and the collective side of employment law. The latest Chambers Directory says that clients praise David's ability to "navigate simply and clearly to the key points in extremely complex matters".

Ben Thornber
Partner

T: 0800 763 1662
E: ben.thornber@sghmartineau.com

A partner in the Group since 2007, Ben has expertise in a wide range of employment and HR matters, including discrimination, employment contracts, TUPE and unfair dismissals. He is an experienced advocate and has been principal adviser on complex multi-day and multi-week claims. Ben has particular expertise in senior executive terminations and TUPE matters.

Karen Macpherson
Partner

T: 0800 763 1104
E: karen.mcpherson@sghmartineau.com

Karen joined the Group in 2011 and brings with her a wealth of experience in all aspects of employment law. Karen has a particular expertise in non-contentious and international issues affecting companies. In addition to her law firm experience Karen spent several years as an in-house employment lawyer at IBM and is noted by Legal 500 for her balanced and pragmatic advice.

Helen Crossland
Partner

T: 020 7264 4390
E: helen.crossland@sghmartineau.com

Helen is a partner in our London office. She advises a range of national and international businesses, charities and not for profit organisations on all aspects of employment law. Her work involves defending Employment Tribunal and High Court claims, advising on exit strategies and executive severances, assisting with grievance and disciplinary issues, advising on redundancies, business reorganisations and TUPE issues and advising on restrictive covenants and confidentiality agreements. She is also an accredited workplace mediator.

Tom Long
Senior Associate

T: 0800 763 1534
E: tom.long@sghmartineau.com

Tom became a Senior Associate in 2009. He deals with a wide range of contentious and non-contentious employment issues, and has experience acting for a variety of clients. Tom regularly advises clients on pursuing and defending Employment Tribunal claims. Tom has significant experience in advising on complex multi-day discrimination and public interest disclosure claims and regularly advises on areas including TUPE, redundancy exercises and the employment law aspects of mergers and acquisitions in a variety of sectors.

David Browne
Associate Solicitor

T: 0800 763 1690
E: david.browne@sghmartineau.com

David completed his training contract with SGH Martineau in 2007 when he qualified into the Group. He became an Associate in 2011. He carries out a broad range of contentious and non-contentious employment law work for both education and non-education clients. David has advised on a range of employment rights claims including unfair dismissal; all types of discrimination; breach of contract; protected disclosures; and failure to consult under TUPE. David also advises on a host of non-contentious issues including performance management, disciplinary/grievance procedures, sickness absence, redundancy procedures and TUPE. David has been described by clients as "a great pleasure to work with - always responsive, helpful and supportive during difficult periods."

Joanne Bradbury
Associate Solicitor

T: 0800 763 1454
E: joanne.bradbury@sghmartineau.com

Jo is an Associate in the Group. She undertakes a broad range of contentious and non-contentious employment work, acting for both claimants and respondents. Jo also has experience in defending discrimination claims in respect of access to membership of public sector pension schemes.

Hinal Carson
Associate Solicitor

T: 020 7264 4393
E: hinal.carson@sghmartineau.com

Hinal is based in our London Office. She acts for a range of businesses and charities and also assists individuals with exit strategies, negotiating settlements and compromise agreement terms. Her expertise is diverse and ranges from drafting contracts and restrictive covenants to advising on redundancy, restructure and TUPE issues, enforcement of restrictive covenants, disciplinary and grievance hearings, maternity and paternity rights as well as acting for both claimant and respondent clients in Employment Tribunal proceedings.

sgh | martineau

Sean McGovern
Solicitor

T: 0800 763 1446
E: sean.mcgovern@sghmartineau.com

Sean joined the Group in 2010. He practices in all areas of employment law including dealing with Tribunal proceedings from initial claim through to final hearing. His experience includes a wide variety of Tribunal claims including claims for unfair dismissal and complex discrimination claims. As a commercially minded litigator Sean ensures that, where appropriate, commercial settlements are explored at an early stage to help avoid costly Tribunal proceedings.

Rachel Parkin
Solicitor

T: 0800 763 1109
E: rachel.parkin@sghmartineau.com

Rachel qualified into the Group in 2009. She deals with contentious and non-contentious employment issues for both private and public sector clients including advising clients on a range of issues such as performance and absence management, redundancy procedures, short-time working, maternity and flexible working and discrimination. She regularly advises on and manages Employment Tribunal claims for both private and public sector clients including unfair dismissal claims and claims involving a number of complex issues such as victimisation and disability discrimination.

Ian Little
Solicitor

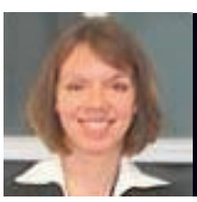
T: 0800 763 1389
E: ian.little@sghmartineau.com

Ian trained with SGH Martineau and qualified into the Group in 2010. He advises on both contentious and non-contentious work, including regulatory matters and equality issues. Amongst other things Ian regularly reviews and advises on employment policies, procedures and contracts, in addition to advising on a wide range of HR issues, including redundancy and alternatives to redundancy. He also manages claims through the Employment Tribunal.

Linden Thomas
Solicitor

T: 0800 763 1326
E: linden.thomas@sghmartineau.com

Linden qualified into the Group in September 2011, having spent eight months of her training contract with the team. Linden deals with contentious and non-contentious employment issues for both private and public sector clients. She advises clients on a range of non-contentious issues including performance and absence management, redundancy procedures, maternity and flexible working and discrimination queries. She also advises on the conduct and procedure of a variety of Employment Tribunal claims including claims for unfair dismissal, discrimination, harassment and victimisation.



Susie Nicholas
Professional Support Lawyer

T: 0800 763 1493
E: susannah.nicholas@sghmartineau.com

Susie is our Professional Support Lawyer. She assists the fee earners with non-client work and ensures that the team is kept up-to-date with legal developments.

The articles in this brief contain summaries of complicated issues and should not be relied upon in relation to specific matters. You are advised to take legal advice on particular problems and we would be happy to assist. Please contact:

Jane Byford
Partner and Head of Employment on
T: 0800 763 1378