

Mistletoe and Whine

The number of industrial tribunal claims accepted by the Tribunal Service in 2008/9 was 266,542. The top three sources of dispute, which accounted for virtually half of the disputes, were claims for unfair dismissal, equal pay and unauthorised deductions

These claims, even when frivolous, can create a major distraction for the business, as well as a real drain on cash. It is therefore essential to ensure you have adequate cover for any civil actions or formal enquiries relating to employment that individually name directors, officers and managers. Given a complainant's likelihood to name every possible person in a 'scatter gun' approach, it is extremely likely that an employee will be named.

With the office Christmas party season approaching, things can take a turn for the worse. If a 'bit of a do' becomes a 'bit of a brawl', employers can be liable, even at the office party, for the acts of their employees. A kiss under the mistletoe could also bring an expensive tribunal claim, especially if it was fuelled by alcohol freely supplied by the company.

Christmas is a time for surprises, mostly welcome ones. But while over-sized pyjamas from a distant relative are one thing, in the workplace they could lead to a costly sex discrimination claim.