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Insights

UK HR TWO-MINUTE MONTHLY: JUNE 2023

PREGNANCY-RELATED DISMISSALS, "KNOWLEDGE" OF DISABLITY, TWO COVID-19 CASES AND GENERAL NEWS ROUNDUP

Jun 26, 2023

SUMMARY

Our June update includes cases on whether an employer notified of an employee's pregnancy just before termination is liable for a pregnancy dismissal, whether an employer's future discovery of a disability makes it retrospectively liable, and two Covid-19 related cases, one on health and safety dismissals (Including an alleged unsafe workplace and disability), and one on redundancy and an employer's obligation to consider furlough as an alternative. We also feature a news update on menstruation/menopause in the workplace, a new survey on AI, and a "Mini Manifesto" advising the UK to adopt a four-day working week on full pay.

WHEN IS AN EMPLOYER LIABLE/NOT LIABLE FOR PREGNANCY DISCRIMINATION?

The claimant was a recruitment manager for care home staff. She was dismissed a month after commencing employment on 27 January 2020, eight days after telling the respondent she was pregnant.

The respondent claimed that the reason for dismissal was not pregnancy, nor was the dismissal influenced by pregnancy. The respondent said the claimant was underperforming and was still within her probationary period - that was why she was dismissed. Specifically, the respondent alleged that the claimant did not meet the targets set for her, was not receptive to advice and training, failed to develop relationships with her colleagues and generally was not a "good fit" for the respondent.

On 14 February 2020, just over two weeks after commencing employment, the claimant met with Mr Boardman, the managing director of the respondent, and Ms Caunt, her line manager. At this meeting they discussed Key Performance Indicators (KPIs), how the claimant was performing, areas of concern, and steps that the claimant could take to improve her overall performance. The

claimant had a second KPI meeting on 21 February, during which it was noted that there had been a degree of improvement in the claimant's performance. Mr Boardman set certain targets for the claimant to meet by 28 February.

Between these two KPI meetings, on 19 February, the claimant told Ms Caunt she was pregnant.

The claimant took two days of sick leave on 24 and 25 February due to morning sickness. On returning to work, Ms Caunt made comments to the claimant relating to her pregnancy/morning sickness, such as "*is it a virus?*", "*is it contagious?*", "*how much time are you going to need off for this?*", "*sorry to be unsympathetic, but I've never been pregnant before*" and "*stop faffing and go home*". Further, during the claimant's two days of sickness absence, Ms Caunt found that the claimant had apparently not yet uploaded certain documents to the respondent's systems, including references, DBS checks and training certificates. As a result of these discoveries, Ms Caunt told Mr Boardman that the claimant had misled him at the second KPI meeting by telling him that she had made progress.

On 27 February 2020, the claimant attended a meeting with Mr Boardman and Ms Caunt. She was informed that she was being dismissed because matters were "not working out" and because her performance was "below par".

The claimant submitted a grievance the day after she was dismissed. She also brought tribunal claims for pregnancy discrimination (under the Equality Act 2010 (EqA)) and automatic unfair dismissal for pregnancy (under the Employment Rights Act 1996 (ERA)). The tribunal found that the claimant had been discriminated against for reasons relating to her pregnancy, but that she had not been automatically unfairly dismissed. The tribunal set out the following reasons for these findings:

1. It was clear that the claimant was underperforming. She did not work at the speed required by the respondent, she failed to carry out her work in accordance with the respondent's set procedures and instead did things in her own way, and her demeanour and independence caused other members of staff to perceive her as rude, meaning she did not develop good relationships with her colleagues;

2. Although it was true that the respondent's systems were not up-to-date and there were administrative issues with the claimant not uploading the documents to the system, the tribunal considered that the claimant would have been able to upload the required documents and information had she not been on sick leave on 24 and 25 February. In other words, had she not been absent due to her pregnancy, there would have been no further delay in the claimant uploading the documents. Further, she had been able to process and mark one employee for recruitment on 24 February before she took sick leave and another on 26 February, the day after she returned;

3. The tribunal found that the claimant had not misled Mr Boardman at the second KPI meeting on 21 February. Had the claimant not taken two days off sick for morning sickness, she would have

satisfied the targets set out for her by 28 February, which was consistent with what she said during the 21 February meeting;

4. When Ms Caunt informed Mr Boardman that the claimant was underperforming (whist the claimant was on sick leave for morning sickness), the tribunal drew an inference from Ms Caunt's unsympathetic comments to the claimant that her view of the claimant was influenced by the claimant's pregnancy;

5. Instead of waiting until 28 February to see whether the claimant was able to meet the targets set for her, Mr Boardman decided to dismiss the claimant on 27 February following the information given to him by Ms Caunt during the claimant's pregnancy-related absence. The tribunal found that Mr Boardman, when taking the decision to dismiss the claimant, relied on Ms Caunt's views of the claimant; and

6. The claimant was not automatically unfairly dismissed under the ERA. Even though the tribunal found that the claimant's pregnancy and absence on 24 and 25 February had significantly influenced the decision to dismiss, it was not the sole or principal reason for dismissal, which is the legal test under the ERA. The sole or principal reason for Mr Boardman's decision to dismiss was the claimant's poor performance, albeit reliant in part on Ms Caunt's views, which were discriminatory.

The respondent appealed against the decision that the claimant had been discriminated against by reason of her pregnancy.

The EAT considered that, as the claimant was a litigant in person, the respondent's representatives should have raised the important 2015 case of *Reynolds v CLFIS (UK) Limited* as case law relevant to the legal issues. The EAT held that, following *Reynolds*, there should have been an analysis by the tribunal of whether the decision to dismiss the claimant was made by:

- a sole decision-maker;
- a sole decision-maker influenced by others;
- more than one person, in this case a joint decision made by both Mr Boardman and Ms Caunt.

In this case it was the second option. Mr Boardman had made the decision to dismiss, but he was influenced by Ms Caunt. Whilst the claimant only raised the comments made by Ms Caunt by way of background, it was clear to the tribunal and EAT that the claimant was claiming that Ms Caunt had a significant influence on the decision to dismiss her.

Reynolds is a case involving age discrimination and is authority for the principle that liability for discrimination can only attach to an employer where an individual employee or agent carries out a discriminatory act in the name of/for and on behalf of, the employer. However, the individual employee who performs the discriminatory act **must be motivated by a protected characteristic**. In

line with *Reynolds*, for the respondent to be liable for pregnancy-related discrimination, Mr Boardman, who made the decision to dismiss, must have been motivated by the claimant's pregnancy in making that decision.

The EAT held that Mr Boardman himself was not motivated to dismiss the claimant as a result of her pregnancy. This was despite the fact he had been influenced by the "tainted" information given to him by Ms Caunt, who did subject the claimant to detrimental treatment for discriminatory reasons. Applying *Reynolds*, it does not necessarily follow that the respondent company is responsible for Ms Caunt's act(s) of discrimination because the dismissal, being the relevant act complained of, was not carried out by her.

The EAT remitted the discrimination claim to the tribunal for redetermination taking *Reynolds* into account. They also gave the claimant leave to bring an EqA detriment claim against Ms Caunt in relation to her comments to Mr Boardman.

WHY THIS MATTERS

This case is a useful reminder that a respondent employer will not necessarily be vicariously liable for discrimination if the employee who performed the act complained of was not themselves motivated by a protected characteristic.

It is also a reminder that, before terminating the employment of any employee, including one with less than two years' service, employers should ensure that they have all the facts before them (which might include an account from the employee) before deciding whether to dismiss or not. This is perhaps even more important when the dismissal of a short serving employee carries a potentially high risk, as was the case here.

It is also a reminder that, when dealing with a litigant in person, it might be in the respondent's (and/or its representative's) best interests to identify all the relevant legal issues in the case during proceedings.

Alcedo Orange Limited-v-Ferridge-Gunn

DISCRIMINATION REQUIRES KNOWLEDGE OF DISABILITY AT THE RELEVANT TIME

The claimant was a head teacher employed by the respondent from 2002. She was diagnosed with hypertension (high blood pressure) in November 2014 and was taking medication for it from January 2015 onwards. Despite medication, she continued to suffer from headaches, fatigue and an inability to concentrate. In November 2016, the claimant took sick leave due to work-related stress and high blood pressure. An occupational health (OH) report dated 15 November 2016 stated that the claimant was likely to be able to provide reliable work and attendance in the future with

resolution of any perceived workplace pressures and with improvements in her blood pressure control and her sustained wellbeing. The report also stated she was likely to be fit to return to work after two to four weeks.

The claimant did not return to work and resigned (claiming that she was constructively dismissed) in March 2017 claiming that the respondent had discriminated against her because she was disabled. The claimant won her claim of constructive unfair dismissal, but lost her claim for disability discrimination.

Her disability claim had originally been framed as arising from "hypertension". However, a report from a consultant cardiologist jointly commissioned by the parties in the course of the litigation stated that none of the claimant's symptoms of fatigue, palpitations, low motivation, and a lack of emotional resilience was caused by or occurred as a result of hypertension. Hypertension did not give rise to a physical impairment that would cause a significant adverse effect on her day-to-day life. Ultimately, the consultant cardiologist found that hypertension did not constitute a disability for the purposes of the EqA.

However, further medical reports from two separate psychiatrists suggested the claimant's true disability arose from mental health issues, notably generalised anxiety disorder (GAD). An initial psychiatric report, dated 17 May 2018, stated that the respondent was unlikely to have been aware of the claimant's GAD and that there was no evidence of any effect on day to day activities before the claimant's long-term sickness absence began on 7 November 2016. Following a report from a second psychiatrist, long after the alleged discrimination had taken place, the respondent conceded that the claimant was disabled, but did not concede it had knowledge of the claimant's actual disability at the relevant time.

The issue before the tribunal was the respondent's knowledge. Although the tribunal found that the respondent was aware the claimant was suffering from 'stress', they found it could not be said in the circumstances that the respondent knew or could be expected to have known, **at the relevant time**, that the claimant was suffering from GAD, a mental health condition capable of constituting a disability under the EqA. The tribunal found that the respondent did not have knowledge of the claimant's disability at the relevant time and her claim of disability discrimination failed.

In a summary paragraph of the law on knowledge of disability in its judgment, the tribunal had misstated the correct legal tests relevant to claims under (respectively) ss 13, 15 and 20 of the EqA. The tribunal had stated that the extent of the knowledge required in each of three claims is the same, save that there is an additional requirement in respect of reasonable adjustments. This was inaccurate. There are in fact three separate provisions for each section of the EqA, each of which has different requirements. The claimant appealed to the EAT, alleging that the tribunal had misdirected itself and that certain findings made by the tribunal were perverse. The respondent argued that until the consultant cardiologist pointed out that hypertension was not the cause of any

medical issues, there had been no mention of any other condition and that the claimant's appeal was merely an attack on the tribunal's findings of fact.

The EAT rejected the claimant's appeal. It held that the tribunal was entitled to come to the decision it had reached on the facts, after learning that a psychiatrist did not diagnose the claimant's true condition until 2018. The EAT found that the claimant's appeal that the tribunal had erred in law was not well founded and was, in reality, a series of complaints about findings of fact (rather than law) which the tribunal was entitled to make on the evidence before it.

The EAT held that the tribunal's references to (a) the OH report (which considered that the claimant was likely to remain unfit for two to four weeks) and (b) the conclusion of one of the psychiatrists as to the likely date that an employer could have had knowledge of disability (7 November 2016, in a report which for the first time indicated there was a mental health issue) were plainly relevant to the tribunal's fact-finding duty. Notably, the claimant herself had been unaware of the true nature of her disability until she received the consultant cardiologist's report and the report of one of the psychiatrists, which were written a year after she brought the claim.

The EAT held that the numerous criticisms in the grounds of appeal were attempts to undermine a series of findings by the tribunal as to both actual and constructive knowledge which, the EAT found, they were entitled to make. Whilst one paragraph of the tribunal's judgment read in isolation might not have been an accurate summary of the legal tests for knowledge on the part of the respondent, **the proper legal tests for knowledge had been set out and discussed earlier in the judgment**.

In any event, the basis for the tribunal's findings were in line with the relevant and correct legal tests and the tribunal's reasons for making the findings of fact had been adequately stated.

With regard to the perversity argument, the EAT noted that a tribunal's determination regarding actual and constructive knowledge of a disability will always be highly fact-sensitive and is unlikely to be a good ground for a successful appeal.

WHY THIS MATTERS

This case confirms that an employer can only be liable for disability discrimination where it knows, at the time the alleged act(s) of discrimination take place, of the disability. If a respondent comes to know of a disability after the event, as it did this case, it cannot be found to be retrospectively liable.

It also shows the reluctance of the EAT to interfere with or reconsider a tribunal's findings of fact, including those about knowledge of a disability, where those findings are legitimately based on the evidence available at the relevant time.

Lingard –v- Leading Learners Multi-Academy Trust

WERE CONCERNS ABOUT COVID-19 A LEGITIMATE REASON NOT TO RETURN TO WORK?

This was one of two Covid-19 cases this month, and the more complex. These are worth covering, as there are still historic Covid-19 cases making their way through the tribunal system

The claimant was a driving test examiner working in the respondent's Pontefract Driving Test Centre. He had been told by his GP that he had stage IV chronic kidney disease (CKD) and informed the respondent of this in March 2019. This in fact turned out to be a misdiagnosis and the claimant actually had stage II CKD, which was less serious. However, the claimant was not aware of this misdiagnosis at the relevant times and when he brought proceedings.

When the Covid-19 pandemic became a matter of national concern in March 2020, the claimant raised concerns with his line manager. Soon afterwards on 17 March 2020 the claimant, along with other driving test examiners, was instructed to stop work. On 18 March 2020 almost all driving tests ceased. The first Covid-19 lockdown commenced (effectively) on 24 March 2020.

On 5 June 2020 the claimant attended a meeting with the respondent to discuss a return to work. The claimant believed he fell within the clinically vulnerable category (and his wife had a heart condition). The claimant was told that, although clinically **extremely** vulnerable individuals would not be requested to return to work (in line with government guidelines at the time), the claimant would have to return to work, as a clinically vulnerable individual. The claimant was very unhappy with this – his belief was that because driving tests necessitated being in the same car as another person there were **no measures** the respondent could take to make him safe, as social distancing in the confines of a car was impossible. The claimant did not waver from this point of view.

On 25 June 2020 the respondent announced that the Department of Transport had confirmed the recommencement of driving tests in July 2020. The respondent contacted the claimant but the claimant maintained it was impossible to maintain social distancing in a car. There was some subsequent correspondence between the claimant's union representative and the respondent, but the respondent refused to budge. On 10 July the claimant informed the respondent that he would not return to work and that no adjustments would resolve his concerns. On 30 July the respondent wrote to the claimant confirming it had considered his views, but the safety measures taken by the respondent were in accordance with government guidelines. If the claimant did not return to work by 6 August, he would be placed on unpaid leave.

On 10 August the claimant resigned and claimed he had been constructively dismissed. The claimant brought several claims, including some complex health and safety "automatic unfair dismissal" claims under s100 of the ERA. He also brought disability discrimination claims under the EqA.

One set of health and safety claims were rejected by both the tribunal and the EAT because they could only be brought if the respondent did not have a health and safety representative for the

claimant's workplace. There was some argument over this because the relevant health and safety representative was not based at the Pontefract branch, but did cover it. This led to an argument over whether the ERA required the representative to be a representative "at" the claimant's place of work, or a representative based elsewhere but who covered the claimant's place of work, so that there was a representative "for" the claimant's place of work. The tribunal and EAT took the latter approach, and the claimant's claims failed.

The other "s100" health and safety claim was based on the claimant holding a reasonable belief that the workplace was unsafe, involving circumstances of serious and imminent danger. This "unsafe workplace issue" point as it applies to Covid-19 was considered in the 2022 case of *Rodgers –v- Leeds Laser Cutting Limited*, and that decision revolved mostly around the steps taken by the employer to make the workplace as safe as possible, and whether the claimant took these steps into account.

On this issue the tribunal and EAT considered carefully the Government guidance and legislation in place at the time, and the steps the respondent had taken to minimise risk. This included introducing new operating procedures which reduced the number of driving tests per day, the use of face coverings during driving tests, the washing of hands and cleaning of vehicles, avoidance of physical contact and other measures. The respondent consulted with the Health and Safety Executive when introducing these safety measures.

The tribunal saw the claimant's approach as being blinkered. It commented that the claimant had reached a fixed view that nothing short of two metre social distancing would keep him safe. He reached this view and did not take the respondent's safety measures into account. Further, the claimant did not obtain a medical expert opinion about the extent of his CKD disability/physical impairment. He did not ask the respondent for an occupational health referral and did not take matters further with his GP. If he had, he may have discovered that, in fact, his CKD was stage II rather than stage IV, and the risk to him was actually less than he believed.

Based on all the above, the EAT ultimately upheld the tribunal's view that the claimant's view was not a reasonable one. This was partly based on the claimant's unshakeable view that only two metres of social distancing would protect him, which he knew to be an impossible step for the respondent to take, and his failure to take sufficient steps regarding his medical condition. It was also partly based on the "serious and imminent danger" test required under the ERA, which is a high bar. As in *Rodgers*, the claimant did not take into account the safety steps taken by the respondent, and specific to this case did not make sufficient medical enquiries about the actual risk to his health.

However, on the EqA issue of disability, the EAT did not agree with the tribunal's approach and remitted the claim. The tribunal had found the claimant not to be disabled, and one of the reasons for this was the tribunal's refusal to consider the claimant's refusal/inability to return to work as representing a "substantial adverse effect" on his day-to-day activities.

One of the issues put forward by the claimant as part of his disability claim was that a substantial adverse effects of his CKD disability was his inability to return to work/absence from work. The tribunal rejected this. They believed the claimant's refusal/inability to return to work was due to an "unreasonable belief", based on its findings on the claimant's health and safety dismissal claim. The EAT said this was an incorrect approach, using a test for an ERA claim to adjudicate an EqA claim. The tests are different. The claimant's concern about his health may not have reached the high bar of "serious and imminent danger" required for automatically unfair dismissals, but that did not mean that his concerns about his health should be excluded from an EqA disability assessment as to whether his physical impairment preventing a return to work was a substantial adverse effect on his day-to-day activities.

The EqA disability test is essentially a lower bar than the ERA health and safety dismissal test and the tribunal should have applied a different test. This decision by the EAT also opened up the possibility that the claimant was disabled, and this meant his constructive dismissal claim, which had been rejected by the tribunal, might be upheld.

WHY THIS MATTERS

Although quite a technically difficult case, it confirms that the test for an automatic unfair dismissal under ss44 and 100 of the ERA is a high bar and difficult to satisfy.

It also illustrates the differences between legal tests under the ERA and the EqA. The claimant's perceived risk to his health was not sufficiently serious or imminent for the strict test required by ERA automatic unfair dismissals, but it might be sufficient to take into account as part of a disability assessment under the EqA.

Miles -v- Driver and Vehicle Standards Agency

SHOULD AN EMPLOYER HAVE CONSIDERED FURLOUGH BEFORE REDUNDANCY DISMISSAL

This is the simpler of the two Covid-19 cases.

The claimant was employed as a live-in carer. The individual that she cared for went into hospital in February 2020. Normally, the claimant would have been moved to another client to care for, but this was not possible due to rules introduced as a result of the COVID-19 pandemic.

In May 2020, continuing to have no clients as a live-in carer, the claimant was dismissed by the respondent by reason of redundancy. The claimant had already raised with the respondent, also in May 2020, whether she could be placed on furlough. The employer rejected this, without any consideration, and the claimant was dismissed on 13 July 2020. The claimant brought a claim for unfair dismissal.

The tribunal found that there had been a genuine redundancy situation, but from a procedural perspective:

- the respondent had failed entirely to consider furlough as an alternative to redundancy, which in some ways was the whole point of the Coronavirus Job Retention Scheme (CJRS). In particular, the respondent could have used the claimant's time on furlough to assess whether the claimant might be able to move to another client as a live-in carer in the future, for example when Covid-19 lockdown rules were relaxed; and
- the claimant's appeal was not properly considered and was effectively a "rubber-stamping" exercise. The individual hearing the appeal made no independent enquires as to whether the claimant's assertions were correct or incorrect, and simply accepted that the respondent was right. The appeal was not capable or thorough enough to remedy any error in the original decision, if there had been one.

The respondent did offer a form of alternative employment in the form of domiciliary care work, which was not live-in care but external care provided on a daily basis. This was not an option for the claimant because she lived in Birmingham and the only domiciliary care work available was in Bracknell and Northampton, a considerable distance away for a daily work commute.

The tribunal upheld the claimant's claim for unfair dismissal - the respondent appealed.

The appeal was based in part around a comment by the tribunal that "*the whole point of the furlough scheme was to avoid the laying off of employees because of the effect of the Covid-19 pandemic*". It was argued by the respondent that, by saying this, the tribunal was effectively holding that, in the case of a redundancy caused by the Covid-19 pandemic, there was an obligation on an employer to place an employee on furlough.

The EAT considered the tribunal's reasoning, in particular its clear decision that dismissal of the claimant was unfair because of a failure properly to consider the possibility of furlough. The EAT's view was that the tribunal's decision was not that the employer was **required** or **under an obligation** to furlough the claimant, but that it should properly have considered the possibility of furlough. The EAT held that the tribunal's description of furlough and the CJRS was broadly accurate, but that its point about a failure to consider as opposed to an obligation was clear enough – it did not hold that the respondent was under an obligation to place the claimant on furlough, but it should have considered it.

The EAT rejected a technical argument raised by the respondent that the claimant was not dismissed because of the Covid-19 pandemic, but because her original client no longer needed live-in care. There was no evidence that the respondent ever considered this possibility and the timing of the dismissal (in July 2020) was not consistent with it. The EAT also rejected another argument that that the claimant was dismissed after the first furlough scheme was closed, so there was nothing to consider. This was rejected mostly because it was not an argument made at the tribunal, but also

because the claimant herself raised the possibility of furlough in May 2020, before the first furlough scheme closed.

The final point raised on appeal was that the tribunal had substituted its own view for that of the employer. This was rejected by the EAT which held that the tribunal applied the correct test, holding that not properly considering furlough was outside the band of reasonable responses available to this particular respondent.

The appeal was dismissed and the tribunal's finding of unfair dismissal upheld.

WHY THIS MATTERS

Although this case is very much involved with the Covid-19 pandemic, there may still be cases going through the system to which this decision relates. It establishes the important point that employers were not under an obligation to place employees on furlough because of the CJRS, but they would be expected to consider furlough as a possible alternative, depending in the circumstances and timing.

It also reinforces a general point about considering all possible options before a redundancy dismissal.

Lovingangels Care Limited –v- Mhindurwa

NEWS ROUNDUP

BRITISH STANDARDS INSTITUTE (BSI) PUBLISHES NEW STANDARD ON MENSTRUATION, MENSTRUAL HEALTH AND MENOPAUSE IN THE WORKPLACE

The BSI has published a new standard on menstruation, menstrual health and menopause in the workplace (BS 30416) in an effort to ensure best practice in these areas.

The new BSI standards are intended to help employers to develop helpful and supportive practices in the areas covered. They were devised following a public consultation and in conjunction with organisations such as ACAS and Unison. The BSI has commented that the new standard is designed to help employers support and retain employees with issues connected to menstruation or the menopause. The new standards offer advice and guidance on:

- Looking at workplace culture to determine whether there is a general awareness of menstruation and menopause and whether employees are given opportunities for open conversations or to request support;
- Looking at whether line managers and HR managers are suitably trained or can receive suitable training/resources to understand the potential impact of menstruation and

menopause;

- Reviewing whether workplace environments are properly controlled and if there are facilities such as toilets, discrete changing rooms, and/or quiet recovery spaces that are easily accessible;
- Checking whether relevant policies (well-being, I&D, performance management, sickness and absences, flexible working, etc.) consider menstruation and menopause; and
- Looking at whether work culture and environment enable flexibility for an individual approach. This could include potential adjustments for scheduling, timings of breaks, and access to individual cooling or heating, and opportunities for sitting or stretching.

The BSI has released a blog which you can view here long with a guidance note. The guidance note can be downloaded from the blog.

We also attach a link to our recent (8 June) blog on menstruation in the workplace.

EMPLOYERS KEEN TO USE AI BUT LESS EVIDENCE OF ACTUAL USE

A recent survey of 8,853 professionals and employers reveals that, while over half of employers and nearly half of workers want to use and adapt AI, far fewer have actually begun to use AI in practice.

Only 15% of workers surveyed said they used AI in their current role, with just over a fifth of organisations (21%) reporting that they currently use AI technology.

The survey also found that 66% of employers intend to allow staff to use AI tools but, while over half of employers reported that their workforce lacks the skills to make the best use of AI, only 27% of organisations are actively training staff to meet this need.

4 DAY WEEK CAMPAIGN PUBLISHED MINI MINIFESTO

At an online cross-party event this month, the 4 Day Week Campaign launched its *Four-Day Week Mini Manifesto*, a joint initiative with the New Economics Foundation, Autonomy and Common Wealth.

It referred back to the world's largest four-day week pilot, which took place in the UK in 2022, which showed that almost all of the 61 participating organisations continued with a four-day week at the end of the trial.

The mini manifesto calls for:

- A reduction of the working week from 48 to 32 hours per week by 2030 and any work beyond 32 hours to be paid at an overtime rate of 1.5 times ordinary pay;

- Amending the government's flexible working guidance to include the right for workers to request a four-day, 32-hour working week with no loss of pay;
- A £100 million fund to support companies as they move to a four-day, 32-hour working week; and
- The launch of a major four-day week pilot in the public sector which should be fully funded (by at least £10 million); and
- The establishment of a Working Time Council which would bring together trade unions, industry leaders and business leaders to co-ordinate policy with a view to implementing a shorter working week.

The 4 Day Week Campaign will be advocating for these changes in the run up to the next general election.

Whether the mini manifesto or campaign generally will be adopted more widely or even across the UK is open to question, but it is based on the success of the original pilot scheme.

So watch this space.

This article was written with Trainee Solicitor Meg Royston

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