

Employment Healthcare Briefing: October 2024

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Welcome to our latest employment health briefing, bringing you a roundup of key legal developments over the last few months.

Strike breakthrough: Junior doctors agree to pay deal, ending prolonged industrial action

In a significant development that brings an end to the longest industrial dispute in NHS history, the British Medical Association (BMA) has voted in favour of accepting a pay deal offered by the Government. This decision comes after 18 months of junior doctors' strikes over pay, which have had a profound impact on the healthcare system, costing nearly £1.7 billion and leading to over 1.5 million cancelled appointments.

[Find out more](#) →

A balancing act: Navigating between positive action and discrimination in the workplace

In the evolving landscape of employment law, the Equality Act 2010 stands as a beacon for promoting diversity and inclusion within the workforce, encouraging employers to engage in positive action to support underrepresented groups. We discuss the fine line between lawful positive action and unlawful positive discrimination, shedding light on the importance of maintaining a balance to foster a truly inclusive environment.

[Find out more](#) →

What does the Supreme Court decision in Tesco vs USDAW mean for NHS employers?

The Supreme Court's ruling in Tesco Stores Limited v USDAW has set a precedent that could significantly impact workforce change programs, especially within the NHS. This article looks into the nuances of the judgment and its potential implications for employers in the health sector, highlighting the careful considerations required when altering employees' terms and conditions of employment.

[Find out more](#) →

English Nationalism not a protected belief under the Equality Act

In a landmark decision by the Employment Appeal Tribunal in the case of Thomas v Surrey and Borders Partnership NHS Foundation Trust, it was determined that a worker's belief in English nationalism, specifically the view that Muslims should be forcibly removed from the country, does not qualify as a protected belief under the Equality Act 2010. This ruling underscores the balance between protecting

philosophical beliefs and upholding the values of a democratic society, human dignity, and the fundamental rights of others, setting a precedent for employers on handling expressions of English nationalism in the workplace.

[Find out more](#) →

What does the right to switch off mean for employers?

The UK Government is stepping forward with proposals aimed at safeguarding employees' right to disconnect outside of contracted working hours. This initiative, potentially involving a new Acas Code of Practice, seeks to address the challenges and stresses brought about by the widespread adoption of remote working, while also offering flexibility for businesses to tailor their policies according to their specific needs.

[Find out more](#) →

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