

Welcome to Simpkins and Co's February newsletter

Visit our website for news, views, blogs & useful information. Keeping you up-to-date with the changes in legislation, interesting cases and issues that arise in the areas of the law we specialise in: Personal Injury, Clinical Negligence, Employment Law and Business Advice.

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EMPLOYMENT LAW NEWS

Is it legal to insist that female members of staff wear high heels at work?



As the law stands now, UK employers can set separate dress codes for men and women at work, as long as they're "reasonable" and there's an "equivalent level of smartness". Staff who fail to live up to these dress code demands can be dismissed providing they've been given enough time to buy the right shoes and clothes.

On her first day as a corporate receptionist, 27-year-old Nicola Thorp says that she was laughed at when she told her bosses that she didn't want to wear high heels at work. Her job involved escorting clients to meeting rooms and she would be expected to do a nine-hour shift on her feet, something she felt she couldn't do in heels.

On arriving at the accountancy firm PwC wearing flat shoes, she says she was told to go home without pay unless she went out and bought heels which had to be between two and four inches high. When she refused, the company, Portico, who run the PwC's reception at its office in central London, followed through with its threat.

The managing director at Portico said that Ms Thorp had reported to work with "inappropriate footwear", and that she had "previously signed the appearance guidelines". He added that such guidelines were common practice

within the service sector, but he conceded that the company were now reviewing their policies.

From a health point of view, high heels are a "disaster for feet" say podiatry experts. They can cause bunions, back and knee problems, ankle sprains, tight calves and some forms of arthritis. That's a real worry for women who are on their feet for several hours a day.

Ms Thorp has now set up a petition to the government, demanding that women have the option to wear flat formal shoes at work and claiming that the law is "outdated and sexist". The petition has received more than 20,000 signatures, meaning the government must give a comment. If it reaches 100,000, then there's a chance MPs could debate in Parliament whether women should have to wear high heels at work.

If you need advice on Employment Law, whether as an employee or an employer, then contact us for a **FREE** initial consultation at our Highcliffe office on **01425 275555** or visit **www.simpkinsand.co.uk**

We are specialists in Employment Law and are accredited members of the Employment Lawyers Association.

We are delighted to invite you to our Spring charity event

Last year we invited you to our Summer soiree charity event and as it was so well received, we'd like to invite you to our forthcoming Spring charity event. It will be held at Highcliffe Castle again on the 30th March between 7 & 10 pm. If you have never been there before, you'll see that the Castle is set in beautiful cliff-top grounds with fantastic views over to the Isle of Wight. It is the former seaside residence of Mr Gordon Selfridge.

The evening will be held in the State Dining Room at the Castle and in a similar fashion to last year's event, we will be having a fun quiz, bingo and a raffle*. The buffet and drink will be on us and all we ask is that you donate £5 minimum for a ticket. All of the funds raised from the ticket donations and the raffle will go directly to our charity of choice, the Citizens Advice New Forest.

Many people don't realise that the Citizens Advice New Forest is an independent, local charity. It is only able to offer its essential services because of grants, sponsorship and donations, and through the amazing work of the 124 volunteers.

The aims of the charity are to provide the advice people need for the problems they face, to improve the policies and practices that affect people's lives and to empower the clients so that they can help themselves. It provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. It truly is a charity for all!

If you would like to reserve a place at this event, then contact Jacque Aitken on Jacque@simpkinsand.co.uk or 01425 275555. We have availability for 50 guests so please book early.

We do hope you can attend and we look forward to seeing you.



Steve Simpkins & Jacque Aitken of Simpkins & Co are Trustees of the Citizens Advice New Forest.

At Simpkins & Co Solicitors, we specialise in the following areas of the law: -

- Employment Law – advising both employees and employers
- Business Advice
- Litigation and Contractual Disputes
- Personal Injury and Accident Compensation Claims
- Clinical Negligence Compensation Claims

If you need advice on any of these areas of the law, then contact us at our Highcliffe office for a **FREE** initial consultation on **01425 275555** or visit www.simpkinsand.co.uk.

We are members of the Law Society Personal Injury Panel, the Association of Personal Injury Lawyers (APIL) and the Employment Lawyers Association.

*Any donations for raffle prizes will be very gratefully received. Please contact Jacque as above.

PERSONAL
INJURY NEWS

Injured abroad?

We'll tell you how to make a compensation claim

If you've suffered an injury whilst abroad through no fault of your own, it may be of some comfort to know that you could be entitled to claim personal injury compensation. Wherever you are in the world, you should not expect the negligence of a third party to ruin your holiday and it is only right that you're compensated for the ensuing hardship and the loss of enjoyment of your holiday.



You can claim compensation for an accident or injuries that occurred: -

- on a package holiday
- on a holiday you booked yourself
- on an excursion or an activity whether it was booked through a tour operator or not
- whilst working abroad.

Holiday accidents can range from trips, slips, falls and sporting accidents to accidents in the air, on the road or at sea. Illnesses and complaints can also be covered depending upon the circumstances.

If you're involved in an accident abroad, you may have to cover the cost of any initial medical treatment yourself, which you can claim back later. Check your travel insurance policy and find out what you are entitled to. If your stay in hospital is going to be lengthy, make enquiries about repatriation. It's always advisable to have travel insurance, but not having it will not bar you from making a personal injury compensation claim.

Make sure you do the following: -

- Report the accident immediately to someone in authority or your holiday rep.
- Make sure that the details are recorded in an accident book.
- Take details of any witnesses.
- Take photographs of the area in which the accident happened.
- Obtain evidence of any damage.
- Keep detailed records - visits to doctors, clinics or hospital; days where you had to change plans because of the accident; any payments for transport to hospital; any other out-of-pocket expenses.
- Keep your receipts for anything accident-related.

When you return to the UK, contact a personal injury lawyer as soon as you can. Even if you're not sure as to whether or not you are entitled to compensation, it is best to seek the advice of a lawyer. At Simpkins & Co we offer a FREE initial consultation and we may be able to offer a 'no win, no fee' agreement so that if you're unsuccessful with your claim, you do not pay a penny and there is absolutely no financial risk to you.

Call us at our Highcliffe office on 01425 275555 or visit www.simpkinsand.co.uk. We are members of the Law Society Personal Injury Panel and the Association of Personal Injury Lawyers (APIL).

EMPLOYMENT
LAW NEWS

CitySprint courier is entitled to workers' rights

After reporting in our November newsletter that Uber lost a London Tribunal over the treatment of its drivers, the Central London Employment Tribunal has ruled that a cycle courier for CitySprint can be classed as a 'worker' and is entitled to benefits such as holiday and sick pay.



Ms Dewhurst (the courier) claimed that she was employed as a worker and not as an independent contractor, therefore entitling her to workers' rights. She had been accepting work from CitySprint UK over the past two years and was seeking payment for two days' holiday she had taken.

Ms Dewhurst's claim was supported by the Independent Workers' Union of Great Britain (IWGB) and was heard at the Tribunal in November last year. The Tribunal's decision, which was released in January 2017, found that she was a worker during the hours that she provided services for CitySprint and that the company had unlawfully failed to pay her for two days' holiday.

The Employment Tribunal Judge found that CitySprint regulated the amount of work available to couriers. From the time that Ms Dewhurst signed on to the courier circuit in the morning until she signed off at night, she was not and certainly could not meaningfully provide services to anyone else. The Judge also concluded that there was an inequality of bargaining power in the contractors that the couriers were asked to sign.

The IWGB stated that this is a huge victory for workers everywhere who have been asked to sign their rights away for a job and it would act as a warning to other organisations masquerading as non-employers.

Ms Dewhurst added, "The Tribunal has shown CitySprint's operation to be exploitative. A courier's job is tough, physically and mentally, in a low-pay sector. CitySprint and its rivals have been using the excuse that their couriers are entrepreneurs for many years, but this was found to be an artificial construction."

CitySprint said that they were disappointed with the ruling, even though it applies to only one individual. They maintained that they enjoyed a good relationship with their fleet and that the majority of their couriers enjoyed the freedom and flexibility of their current role.

This case demonstrates that there is still widespread confusion regarding this area of law and the government is being called on to provide better support and help for businesses across the UK who could be similarly affected.

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Simpkins & Co welcomes two new members of staff



Adelaida (Amy) Emelina is Legal Administrator at Simpkins & Co Solicitors. Amy graduated in Romania in 2010 as a technician in economic activities and her role involves supporting clients in all aspects of personal injury, clinical negligence and employment law. She is also fluent in English and Hungarian and assists our lawyers with written and verbal translations on all legal cases undertaken by the company on behalf of Hungarian or Romanian clients.

Email: adelaida@simpkinsand.co.uk



Peter Kovacs has joined Simpkins & Co Solicitors as Legal Administrator, primarily to advise and communicate with our growing number of Hungarian clients. Working in tangent with our senior lawyers, Peter also assists in the preparation of documents relating to any personal injury or clinical negligence compensation claims and in any employment law matters. Fluent in English and Hungarian, Peter also translates for the legal team as required.

Email: peterkovacs@simpkinsand.co.uk

Get social with Simpkins & Co

Are you on social media? Please like our Facebook page and follow us on Twitter for law related news and snippets of information.

We like to get involved in the online community – and will do our best to follow back.

You can find us on Facebook at <https://www.facebook.com/SimpkinsandCoSolicitors/> or on Twitter @SimpkinsandCo



At Simpkins & Co Solicitors we deal in certain areas of the law, the ones we specialise in, giving you the **best service** from the right people. If you need support regarding any aspect of **personal injury, employment law, clinical negligence, business advice** or **Polish start-up assistance**, contact us to **arrange a FREE initial consultation** where we can also advise in relation to funding options as we appreciate that clients are often concerned about potential legal costs. **We may be able to act on a no win no fee basis**, or fixed fee arrangement, plus we can advise on whether legal expenses insurance cover is already in place via other means. We are always happy to take enquiries from Bureau advisors or clients.

Contact us to arrange a FREE INITIAL CONSULTATION: **01425 275555**
FREEPHONE: 0800 0832755 or **FREEMOBILE: 0333 7777 420**

The above information and the content of this e-newsletter should never be taken as specific legal advice. If you have a legal problem then please contact Simpkins and Co, Highcliffe, Dorset, on 01425 275555 to discuss your issue in detail.

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