

## Business

# Inflating the compensation

Discrimination cases can be costly for all involved, says **Sarah Buxton**

It has been decided that employment tribunals can take into account inflation when assessing the amount of compensation an employee can be awarded in discrimination cases.

An employee may bring a discrimination case against their employer if they feel they have been discriminated against due to a protected characteristic, which are age, sex, gender reassignment, civil partnership and marriage, disability, race, belief, and sexual orientation.

If an employee wins their case, the amount of compensation awarded to the employee is unlimited and can be whatever the judge believes to be fair and equitable.

## Guidelines

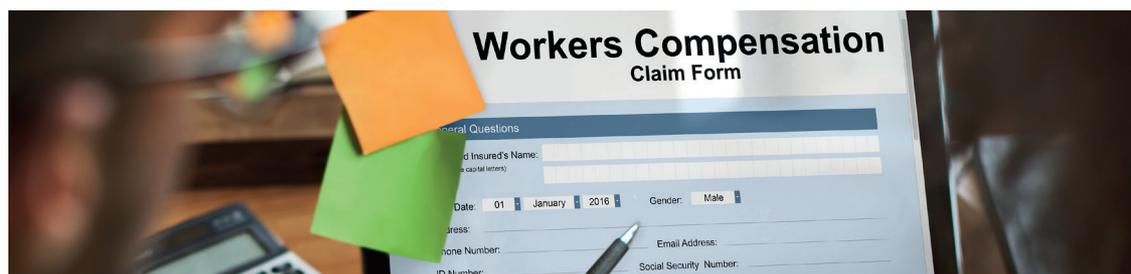
Over the years, the case law has developed so that the cases provide guidance to the judges as to the amount of compensation which should be awarded. These guidelines are as follows:

- Lower band £600-£6,000
- Middle band £6,000-£18,000
- Higher band £18,000-£30,000.

More recently, a case has been heard by the Employment Appeals Tribunal where the respondent raised the question of the Employment Tribunal keeping within those guidelines.

## Case one

Miss Majid, an aspiring lawyer, was employed by AA Solicitors. She was subjected to numerous acts of sexual harassment by



the firm's sole solicitor, Mr Ali. These included asking her to go out to the cinema, commenting on her figure, talking about installing a bed in one of the rooms at the office, attempting to hug her, touching her arms, squeezing and rubbing her hands when shaking hands, and other similar acts that made her uncomfortable. Eventually, her rejection of these advances led to the loss of her job.

An employment tribunal upheld most of her claims of sexual harassment, and made an award for her loss of earnings, plus £14,000 for injury to feelings and a further £4,000 for aggravated damages. The Employment Tribunal identified that the harassment fell within the middle band of compensation plus should be increased due to compensation.

AA Solicitors claimed that the compensation was not in line with the guidelines and was excessive and appealed to Employment Appeal Tribunal. They lost their appeal.

The Employment Appeal Tribunal held that an Employment Tribunal did not have to wait for guidance from the Employment Appeal Tribunal or a higher court, to adjust these bandings to take into account inflation and did not believe the compensation was unjust.

Discrimination cases can be costly for all involved. The

compensation awarded in some cases can be eye-watering.

At FTA Law, we offer an annual subscription service HR and employment advice helpline, which includes an indemnity whereby if you receive a claim from an employee or associate in the employment tribunal, your legal fees, out of court settlement or any judgment would be paid by the insurance company. **D**



Sarah Buxton is a director and employment and HR solicitor at FTA Law, which specialises in acting for dentists. The team at FTA Law advises dental principals, associates and practice managers on all of the legal aspects of buying, selling, and running dental practices. With extensive experience in the dental sector, the firm is ideally placed to understand and respond to the needs of dental practitioners and practice managers.

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## 24 hours with: David Calvert

**David Culvert** from Handpiece Express details a day in his working life

In his role as technical supervisor at Handpiece Express, David is responsible for managing all the handpieces that come into his department of six technicians, and ensuring the work is completed on deadline and to a high standard.

On average David's team receives up to 130 handpieces a day. With Dental Directory's pledge to have high-speed handpieces in perfect working order, and ready for dispatch the next working day, the team is always busy.

'I joined the business six years ago as a technician and worked my way up. It's a fast-paced environment, but we have a really close-knit team that almost feels like a family, so we work well together.'

## Service and repair

David is based at a state-of-the-art workshop in Blackpool. It's still a relatively new home for David and his team, after Dental Directory acquired the business and invested in expanding the workforce and moving to larger premises. As a result, David says the workload has more than tripled in his department.

Although David and his team of technicians focus solely on handpieces, the business also provides servicing and repair for motors and small equipment. There is a buzz in the workshop with orders being carried out with not only precision, but also a great deal of care.

'When a handpiece comes into my department it goes through all the proper processes required. It's has a unique manufacturer serial number and is booked into the workshop using this, before being sterilised and given to a technician to test for faults, or any specific servicing requirements.

'But we also know that behind that process is a customer who needs their tool back in practice and relies on us to get it back to them as soon as possible and working perfectly.'

Unique to Dental Directory is that at this point in the process for a repair the customer is called and given a no obligation quotation for the work and a timescale for completion and dispatch.

'Some repairers charge customers to test for faults. We



don't, and if the customer decides against carrying out the repair work, we return the equipment to them free of charge. We think that's the fairest way to treat our customers.'

Jobs that are agreed are designated within David's team, repaired, serviced, and finally put through an exhaustive eight-point checklist of tests before being sterilised, packed into a sterile pouch and sent back to the customer using an approved courier.

## Top-notch training

From joining the business as a trainee, David is now the one responsible for training the trainees. Within his team there are two apprentices: Scott, who has been with the company for 14 months; and Chris, five months.

'You're a trainee here for a minimum of two years. Because the experience needed for handpiece repair is so specific, we have created an in-house programme that every employee must successfully complete over a minimum of two years before they can become a technician.'

Everything the trainees do is overseen not only by David, but also by members of his team. Nothing leaves the department, however, without David's seal of approval and thorough quality control checks.

## Quick turnaround

Throughout the day David also takes calls from customers asking for advice on their handpieces.

'When a handpiece isn't working as it should it's fairly common for a customer to call us to ask for advice. In fact, we encourage this, just in case it's something simple they can correct in surgery, such as correcting the air pressure from the compressor.

Currently we're looking to introduce a technical helpline to further support our customers.'

Repairing and servicing large volumes of handpieces requires manufacturer stock and parts to be held in stores at the workshop.

Because of this, David often works closely with stocking manager, Phil, to ensure what they need is available exactly when they need it.

'We have stock that we always keep in our stores so we can turn our service around quickly, but sometimes we do need to make special orders and that can involve procuring parts from Europe. When this happens, it pays that we've got such good relationships with our suppliers and manufacturers.'

The 28-year-old from Blackpool started his working life as an apprentice joiner and carpenter, but his role is where he has found his passion: 'My role is challenging, but incredibly rewarding. Every day is different.' **D**



David Calvert is technical supervisor at Dental Directory's handpiece repair and servicing division, Handpiece Express.

FOR MORE INFORMATION, visit [www.handpieceexpress.co.uk](http://www.handpieceexpress.co.uk).