

Employees reinstated to old contract after refusing to agree to new contract terms

In *Hazel v Manchester College*, the Court of Appeal found that two employees who were dismissed for failing to agree to take a pay cut following a TUPE transfer were unfairly dismissed and entitled to reinstatement to their old terms.

Employee inadvertently works for free

The Employment Appeal Tribunal has found that an employee who was not paid on termination of his employment for extra hours worked under a flexi-hours scheme did not suffer an unlawful deduction from wages.

Caste discrimination covered by existing legislation

In *Tirkey v Chandok*, it was found that a claim for caste discrimination could be brought in a Tribunal under the Equality Act 2010.

Separate emails but read as one can amount to a qualifying disclosure

For an employee to bring a whistleblowing claim, they first need to show that they have made a qualifying disclosure. In simple terms this means that an employee has made an allegation to their employer which shows that malpractice has taken or will take place or an employee's health and safety is at risk.

Correspondence including a draft settlement agreement marked "without prejudice" are inadmissible as evidence

Where an employee or employer makes a statement (either in writing or orally) which attempts to settle a dispute this will be deemed to be "without prejudice" or as lawyers refer to it – "WP". When a WP statement is made, this ordinarily means that it is off the record and is inadmissible as evidence before a court or tribunal.

Employers' liability for its agents in discrimination claims

In discrimination cases, employers are responsible for the actions of both employees and their agents. But who is an employer's agent?

Employer not liable for employee's physical attack on customer

In *Mohamud v WM Morrison*, the Court of Appeal found that an employer was not vicariously liable for its employee's physical assault on a customer because there was not a sufficiently close connection between the employee's actions and his employment.

Tribunal News

In the last month, a number of new issues have been clarified.