

EAT held employer's discretion over pool for selection was very wide but dismissal was unlawful because the employer did not follow its own processes

Mr Badmos was a regional development manager for Family Mosaic Housing Association. This employer employed five regional development managers, three of which were new business managers and two were delivery managers. Mr Badmos was a delivery manager. In 2009, the Housing Association decided to reduce the number of regional development managers from five to four, eliminating one new business manager. Both sets of managers were treated as having interchangeable skills and so Mr Badmos' role could be made redundant, despite the fact that his role as delivery manager was not being cut.

Disclaimers at end of references work

In this complicated case concerning the giving of references in the public sector, the High Court has made a determination of an important point of principle of general application, namely that a disclaimer at the end of a reference purporting to absolve the giver of the reference from legal liability with respect to the recipient is effective. For some years,

this had been in doubt.

Disclosure of all convictions and cautions is a breach of Article 8 rights to respect for private life

The Supreme Court has held that that the blanket requirement to disclose all convictions and cautions for the purpose of criminal records checks without regard to their relevance was not compatible with the right to respect for private life under Article 8 of the European Convention of Human Rights.

There is no requirement for employers to make reasonable adjustments for non-disabled employees who care for disabled people

A decision by the Court of Appeal confirmed that an employer was not under an obligation to make reasonable adjustments for a non-disabled employee whose daughter had Down's syndrome. The Court of Appeal held that although employers are under a

duty to make reasonable adjustments for their employees who have disabilities, they are not under an obligation to make reasonable adjustments for an employee who does not have a disability but is associated with someone who does.

Estates entitled to holiday pay for deceased workers

The Court of Justice of the European Union (CJEU) has held that the estates of deceased workers are entitled to payments for any accrued but untaken statutory annual leave entitlement at the time of their death and that such payments are 'essential to ensure the effectiveness of the entitlement to paid annual leave'.

Party refusing to mediate ordered to pay indemnity costs

The defendants in a case refused to mediate a dispute until judgment was due to be given after a 4 day trial. The defendant was ordered to pay the claimant's costs on an indemnity basis (i.e. a more extensive basis than the standard basis) because the defendants had unreasonably failed to mediate.

Employment Tribunal holds that tribunals should consider the mental processes of those influencing decision makers

The Employment Appeal Tribunal ('EAT') held that when considering whether a dismissal was discriminatory on the grounds of age, tribunals should consider the mental processes of those influencing the decision makers, as well as the decision makers themselves.

Employee claiming constructive dismissal affirms contract by giving extra notice

An employee who tried to claim constructive dismissal was held by the Employment Appeal Tribunal ('EAT') to have affirmed his contract, rendering him unable to claim constructive dismissal, by giving more than his contractual notice.

Judicial review challenge to tribunal fees brought by Unison dismissed but leave to appeal given

A challenge brought by Unison to the introduction of fees in Tribunals and Employment Appeal Tribunals has been dismissed by the High Court. The High Court considered that the case had been brought prematurely and that further evidence would be needed before it could be convinced that the fees regime should be overturned. Leave to the court of Appeal has now been granted.

Commission should be included in statutory holiday pay

In a recent case, the Court of Justice of the European Union (CJEU) held that statutory holiday pay should include commission if this is received by the worker. The CJEU held that if commission were not paid, then the worker would be put at a financial disadvantage when taking statutory annual leave which was against the purposes of the Working Time Directive.