

Employee who changed his status to subcontractor for £200 was a worker and was entitled to holiday pay

The Employment Appeal Tribunal has found that a claimant who changed his status from general labourer to a labour-only subcontractor in exchange for £200 was still a “worker” under the Employment Rights Act and the Working Time Regulations and was therefore entitled to holiday pay.

Employer should have set out deduction to employee’s wages in payslip

An employee whose employer had clawed back overpaid wages claimed that his employers had not complied with the Employment Rights Act, which requires employers to give written and itemised pay statements. The Employment Appeal Tribunal has held that deductions of an employee’s wages should have been properly itemised and explained on the employee’s payslip.

A dismissal for taking time off for a dependant was not automatically unfair

The Employment Appeal Tribunal has held that the dismissal of a man who took time off for his dependant, in this case his pregnant partner, was not automatically unfair because he failed to inform his employer of the reason for his absence as soon as reasonably practicable.

Failure to pay male employee enhanced additional paternity pay was not discriminatory

A male employee who argued that his employer's failure to pay him enhanced additional paternity pay was directly and indirectly discriminatory was unsuccessful in his claim. The Tribunal held that the appropriate comparator for direct discrimination is a female applicant for additional paternity leave who is the female spouse or civil partner of someone on maternity leave and, therefore, the claimant could not establish that he had been treated less favourably because he was a man. In any event, it held that the disparity in treatment was a proportionate means of keeping more women at Ford.

Employment Appeal Tribunal holds that project manager should not have been assigned to a new contractor on a TUPE transfer

The EAT has held that an employee, who was a project manager, did not transfer under TUPE. The EAT cautioned against placing too much emphasis on how much time an employee spends on each project and said that careful consideration should be given to the group transferring and whether the employee belongs to it.