

# **EAT considers whether prison officers had reasonable belief of danger arising from bad weather**

The Employment Appeal Tribunal considered the situation in which an employee is entitled to refuse to travel to work in bad weather.

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# **EAT holds that mentally ill employee dismissed for gross misconduct must be culpable**

The EAT has remitted a case to the tribunal to consider whether a mentally ill employee could be considered culpable for his actions which led to his summary dismissal for gross misconduct. It emphasised that the conduct must have been wilful and that the mitigating circumstances of the illness must be taken into account.

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# **Employer's duty to offer a**

## **suitable alternative vacancy to a woman on maternity leave arises when it becomes aware of potential redundancy**

The EAT has held that an employer's duty under the Maternity Leave Regulations to offer a woman on maternity leave a suitable alternative vacancy arises when the employer becomes aware that her role is redundant or potentially redundant. The failure to make such an offer renders the woman's dismissal automatically unfair.

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## **Employee resigning in breach of contract held to notice period without pay**

The Court of Appeal has upheld an injunction against an employee trying to walk away from a long notice period and non-compete restrictions. You may remember our coverage of this case when it was heard by the High Court in the summer.

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# **Beauty consultant who provided services through a chain of companies was not able to bring a discrimination claim**

The Court of Appeal has held that a beauty consultant who provided her services via a chain of companies was not 'in employment' under the Equality Act 2010 and therefore could not claim discrimination.

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# **EAT finds that holiday pay must include non-guaranteed overtime**

The Employment Appeal Tribunal has ruled that holiday pay must include pay for non-guaranteed overtime, i.e. that which the employee must work but the employer is not obliged to offer.

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# **EBA reports on use of role-**

# **role-based allowances in EU banking sector**

The European Banking Authority has found that it is incorrect to categorise role-based allowances as part of employees' fixed remuneration and to do so circumvents the limit on variable remuneration introduced by the CRD IV Directive.

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## **Compensation ordered for failure to provide employee liability information where there was a reasonable belief employees would bring claims**

The First Tier Tribunal has held that an outgoing employer breached its obligations under the TUPE regulations by failing to notify the incoming employer of potential claims for unlawful deductions of wages. The fact that the failure to pay happened after the deadline for notification was not a barrier, as the outgoing employer had reasonable grounds for believing wages would go unpaid before it passed information to the incoming employer.