

Court of Appeal holds that the label given to a misconduct dismissal is immaterial so long as the employee knows what s/he is accused of

The Court of Appeal has held that an employer's use of the word 'fraud' as a label for alleged gross misconduct was an immaterial consideration as to whether the subsequent dismissal was fair.

ECJ rules that effects of obesity may amount to disability

The European Court of Justice has ruled that, whilst obesity is not of itself a 'disability', the effects of obesity on a worker's life could be deemed a 'disability'.

EAT finds that dismissal for making offensive, personal tweets is potentially fair

The Employment Appeal Tribunal has held that offensive tweets made by an employee on his personal Twitter account and which did not relate to the employer could be grounds for dismissal for gross misconduct.

Deduction for repayment of training fees should be disregarded in calculating minimum wage where employee has voluntarily resigned

The EAT has held that in circumstances where the employee had voluntarily resigned, an employer was entitled to deduct training fees from the employee's final salary, even though this resulted in the employee receiving net pay less than the national minimum wage.

UNISON's second challenge to employment tribunal fees is rejected

The High Court has rejected UNISON's second challenge to the imposition of fees to issue claims in the employment tribunal. It found no evidence to support the claim that the fee regime has a prejudicial effect on protected groups (women in particular) or on workers generally.

Worker not entitled to holiday pay for untaken annual leave as he was not prevented from taking it

The Employment Appeal Tribunal has held that a salesman was not entitled to claim for untaken annual leave on termination where he claimed he had not taken the leave because the employer said it would not be paid. He had been paid wages whilst at work during those periods and he had shown no evidence that he was prevented from taking the holiday.

Depression not a foreseeable consequence of employer's decision to remove employee from his post

The Court of Appeal has held that the Foreign and Commonwealth Office's decision to withdraw a Commissioner from office amounted to breach of contract, but that the Commissioner's subsequent development of clinical depression was not a foreseeable consequence of its decision. As such, it was not liable for losses the Commissioner suffered as a result.

Director's duty of confidentiality did not include a duty to return confidential documents

The High Court has held that a non-executive director was not obliged to return all documents he had received during the course of his appointment which related to the company.