

# **US company prevented from suing UK worker in US court**

An injunction has been granted to require that a company withdraw its motions in a Massachusetts court against an employee domiciled in the UK.

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# **Dismissal for Facebook 'banter' was fair**

An employer can fairly dismiss an employee for making derogatory comments on a personal Facebook account.

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# **Sick workers can choose to carry over annual leave**

Workers on sick leave can choose to carry over their annual leave for up to 18 months after the leave year in which it accrued.

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# **Summary dismissal for health and safety breach was unfair**

An employer's decision to dismiss an employee summarily on grounds of gross misconduct was not a reasonable response to an employee's failure to adhere to a new health and safety procedure. It was therefore outside of the 'range of reasonable responses' open to the employer, and it constituted an unfair dismissal.

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# **Works councils: request must be made by 10% of the whole business' workforce**

In the context of the Information and Consultation of Employees Regulations 2004, an "undertaking" refers to a legal entity – i.e. the employer as a whole – rather than individual business units.

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# **Ignorance of need to consult collectively no bar to**

# **protective awards**

An employer's claim that it failed to consult collectively because it was not aware that it was obliged to do so is no excuse, and protective awards (of up to three months pay per employee) remain payable in such circumstances.

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# **Employee fairly dismissed despite procedural defects**

A fairly conducted appeal is capable of remedying even serious procedural defects in the first part of a disciplinary process.

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# **Employee transferred under TUPE despite client instruction to remove her from the contract**

If a client instructs that an employee be removed from working on its contract which is set to transfer under TUPE, that employee will still transfer if the outgoing employer decides not to heed the instruction.

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# **Peripatetic workers 'at work' when travelling between home and assignments**

Peripatetic workers are considered 'at work' when travelling between their homes and assignments given to them by their employer.