

Penalty clauses redefined

Many employment contracts and settlement agreements contain clauses suggesting dire consequences if they are breached. When relied upon, employees often argue that they are “penalty clauses” and therefore void. Faced with two contrasting cases on the nature of a penalty clause, the Supreme Court has provided a new test to identify those clauses which are unenforceable as penalties.

Who counts as ‘redundant’ for the purposes of collective consultation?

Where an employer in the UK proposes to dismiss more than 20 employees at one establishment in a period of 90 days, they must consult on a collective basis. If an employee resigns in response to a substantial change to their working conditions, they can be counted towards the 20-person threshold.

Increase to part-time hours means recalculation of

holiday

When a part-time worker increases their hours, their statutory annual leave entitlement should be recalculated going forward.

Draft regulations on public sector exit pay cap published

The government has published draft regulations for its plans to introduce a cap on public sector exit payments.

Does disparate treatment render dismissal unfair?

An employee's dismissal will not be unfair by reason of a colleague being given disparate treatment if the two employees' circumstances are not truly parallel.

Davies Report on women on

boards is published

Lord Davies' final report on women on boards shows an increase in the number of women holding board-level positions but makes a number of recommendations for improvement.

New requirement for anti-slavery and human trafficking statements

The government has legislated to require that commercial organisations publish a slavery and human trafficking statement annually to state what they are doing to prevent the use of slaves or trafficked workers in their supply chains.

HM Treasury policy paper on extension of Senior Managers Regime

HM Treasury has published its policy paper on extending the Senior Managers and Certification Regime to everyone who is approved under the Financial Services and Markets Act 2000. This would represent a significant increase in the coverage of the regime.

Complaint about terms and conditions was in public interest

Employees who make a complaint about terms and conditions regulating their and their colleagues' employment may now be taken to have blown the whistle. The definition of what is in the 'public interest' – and therefore protected by whistleblowing legislation – has been widening and the latest case on the point has taken it further still.