John McCririck loses age discrimination claim

It was widely publicised before Christmas that John McCririck, horse-racing pundit, lost his age discrimination claim against Channel 4. The Tribunal appears to have found that the decision to dismiss Mr McCririck was not age-related but due to his sexist views, unpalatable presenting style and controversial appearances on reality TV shows. That said, the Tribunal judgment stands up poorly under legal scrutiny and the factual basis for the decision is not entirely clear.

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6 month restriction on approaching clients did not need to be limited to customers with whom the employee had contact

In Coppage and another v. Safetynet Security Limited a post-termination restriction purporting to prevent an employee for six months after his employment ended from soliciting all customers of the business during his employment was reasonable, and therefore enforceable, despite not being limited to those who were customers for a limited period of time before termination and with whom he had contact.

12 month garden leave clause valid

In JM Finn & Co v Holliday, the High Court granted an injunction to keep an employee on garden leave for his 12 month notice period. They rejected the suggestion that not sending an employee market information whilst on garden leave was a breach of contract. Whilst 12 months is a long period, the fact that the employee had received a three fold salary increase when agreeing to a 12 month notice period was relevant.

Paying older workers larger redundancy payments is discriminatory but justified

In order to establish discrimination, a Claimant must establish that they have been treated differently to a comparator whose circumstances are materially the same to their own (with the only difference being a protected characteristic such as age, race, disability etc). In Lockwood v. DWP, an age discrimination case, the Court of Appeal gave short shrift to the suggestion that there was a material difference between groups of workers (and therefore no comparator) on the basis of circumstances intrinsically linked to age.

Paying for an employee's private counselling can be a reasonable adjustment

In Croft Vets Ltd v Butcher, the Employer Appeal Tribunal found that an employer should have agreed to pay for private psychiatric counselling for an employee who was suffering from work-related stress to help her return to work.

Christian wins case against employer over gay marriage remarks

"In Smith v Trafford Housing Trust, Mr Smith posted a link on his Facebook wall to a BBC news article entitled "Gay church marriages set to get the go-ahead" and commented that it was "an equality too far". In response, his colleague posted a comment on his wall, "Does this mean you don't approve?". Mr Smith replied "no, not really, I don't understand why people who have no faith and don't believe in Christ would want to get hitched in church. The bible is quite specific that marriage is for men and women. If the state wants to offer civil marriage to same sex then that is up to the state; but the state shouldn't impose its rules on places of faith and conscience".

Can you be fairly dismissed for theft when you have been acquitted in a criminal trial?

Yes, according to the Court of Appeal in Stuart v London City Airport. Mr Stuart worked at London City Airport until he was dismissed for attempting to steal goods from a duty free shop. He brought an unfair dismissal claim arguing that LCA had not carried out an adequate investigation, in particular that they had not reviewed the CCTV footage in response to the duty free shop manager’s accusation that he was concealing items under his coat.

When can an employee refuse suitable alternative employment?

In Devon PCT v Readman, Mrs Readman was a community matron at Devon Primary Care Trust. Her role was focused on managing community and district nursing in a small community hospital which had only 12 beds.

Are interns at commercial companies entitled to the minimum wage?

At the other end of the pay spectrum, Chris Jarvis, an intern at Sony, successfully negotiated a £4,600 settlement for unpaid wages during his three month internship. Mr Jarvis said that instead of shadowing a Sony employee, he was working as a tester for the games department and therefore was entitled to minimum wage.. Sony unsuccessfully asked Mr Jarvis to sign a gagging order.

Can enhanced redundancy packages be implied into a contract of employment by custom and practice?

In Park Cakes Ltd v Shumba, four employees worked for a company within the Northern Foods Group until they TUPE transferred to the Vision Group. They were later made redundant and brought a claim for enhanced redundancy payments (equal to double the statutory package plus a lump sum payment of £600). They argued this on the basis that:

Do mothers who have children through surrogates have a right to maternity leave?

The European Court of Justice has been asked to decide a mothers' right to maternity leave if she has a baby through a surrogacy arrangement. Two cases have been referred to the ECJ and the Advocate Generals (advisers for the ECJ) have offered conflicting opinions. Such opinions are usually adopted as final judgments by the ECJ but in this scenario only one can be.

UK launches legal challenge against cap on bankers' bonuses

The UK has launched a legal challenge with the European Court of Justice against the new rules capping bankers' bonuses to the equivalent of one year's salary or two years with shareholders' approval.