

# Complaint about terms and conditions was in public interest

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# Complaint about terms and conditions was in public interest

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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.

Mr Underwood was employed by Wincanton Plc as an HGV driver. In November 2013, he and three colleagues submitted a grievance relating to the terms and conditions of their employment, with a particular focus on the process by which overtime was being allocated amongst drivers. Wincanton dismissed Mr Underwood in June 2014.

Mr Underwood claimed that his dismissal had been automatically unfair in being caused by his protected disclosures.

The Employment Appeal Tribunal held that Mr Underwood's complaints were capable of being 'in the public interest' for the purposes of whistleblowing legislation. Previous authority has made clear that disputes relating to terms and conditions can amount to protected disclosures. It did not matter that only Mr Underwood and the colleagues sharing his terms of employment were concerned by the complaint – they still counted as a subset of the general public.

This case represents the latest in a trend towards recognising a public interest in complaints which only have relevance to limited numbers of people. Employers should be wary of taking punitive action against a staff member who makes a complaint about his contract if those complaints are applicable to more people than solely that employee.

*Underwood v Wincanton plc UKEAT/0163/15*

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