

Bank Holidays do not have to be carried over for sick employees

Under EU law workers are entitled to 4 weeks holiday per year (including bank holidays). UK law requires employees to be given a further 1.6 weeks holiday per year which amounts to 5.6 weeks a year including bank holidays to equate to the previous UK norm of employers paying for 4 weeks holiday per year plus bank holidays.

B&B owner discriminated when refused to allow homosexual couple to share a room

In *Black v Wilkinson*, Mrs Wilkinson, a Christian, ran a B&B from her family home. Her policy provided that only heterosexual married couples were allowed to share a room and so in March 2010, she refused to accommodate a homosexual couple.

Knowledge of disability is

essential

In *Patel v Lloyds Pharmacy Ltd*, the Employment Appeal Tribunal struck out Mr Patel's claim for direct disability discrimination because there was no evidence that the manager accused of discrimination was aware of his disability.

Shareholder's homophobic comment gave rise to a discrimination claim

A shareholder of a Romanian football club commented to a journalist that he would prefer to close the football club than hire a homosexual player, in response to the suggestion that a player who was due to transfer to the club was homosexual.

Dismissal for bringing discrimination claim against former employer is victimisation

In *Bouabdillah v Commerzbank AG*, an Employment Tribunal found that Commerzbank had victimised one of its employees when it

dismissed her for bringing a claim against her former employer, Deutsche Bank.

How far do you have to go to prove 'reasonable adjustments'?

Mrs Wade worked for Sheffield Hallam University. Mrs Wade suffered from allergies which, for the purpose of disability discrimination legislation, amounted to a disability.

Legislation

As of 25 June 2013, the following reforms came into force:

- The qualifying period (2 years) for unfair dismissal will no longer apply where the main reason for dismissal is the employee's political opinions or affiliations.
 - Changes to whistleblowing law:
-

Settlement sums payable net

In *Barden v Commodities Research Unit*, Mr Barden was the

former CEO of Commodities Research Unit. On his retirement, he was paid a sum under a settlement agreement. The agreement simply stated that Commodities Research were to 'pay £1,350,000' to Mr Barden. It fell silent on whether the sum would be paid net or gross. The High Court ruled that the sum should be paid net of tax (that is, after deduction of tax). To do so otherwise would be commercially absurd.

TUPE and 'organised groupings'

In Ceva Freight (UK) v Seawell, Mr Moffat was employed by Ceva Freight, a logistics and freight company, and worked in the "outbound team". Although the team worked for a variety of clients, unlike his colleagues, Mr Moffat spent 100% of his time working on the account of one client, Seawell. In fact, Mr Moffat's contract specifically said that he had been employed for the purpose of enabling the contract with Seawell to be performed.

Woolworths spurs landmark decision

Under UK law, a duty to inform and consult employees as a group is triggered when an employer is proposing to make 20 or more redundancies at 'one establishment' in a 90 day period. If the duty is breached, a 'protective award' can be claimed

of up to 90 days' gross pay per employee. This appears to be at odds with the European Directive (on which the UK legislation was based) which does not refer to the need for employees being at "one establishment" in order for the consultation obligations to apply.

Tribunals more willing to make costs orders against employees

In employment tribunal litigation, both parties usually bear their own costs. However tribunals do have the discretion to award costs orders against parties who have 'acted vexatiously, abusively, disruptively or otherwise unreasonably'. Historically, this power has been exercised rarely but a couple of recent cases suggest that the tide is beginning to turn.

More good news for Employers about redundancy...

In *Malekout v Ahmed and others (t/a The Medical Centre)* the Tribunal was satisfied with an employer's decision to dismiss an employee for redundancy despite the fact the employer had recruited his replacement months before the dismissal.