

Tribunal rules that workers are protected by TUPE

The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) provide extensive protection for employees who work for a business that is sold or who perform activities for a service that is outsourced.

Pimlico Plumbers decision means more gig economy workers have rights to paid holiday

The Supreme Court has added to the raft of cases concerning whether staff in the gig economy are workers or genuinely self-employed.

Surveillance cameras in university auditorium violated professors' human

rights

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A university's decision to install surveillance cameras in student auditoriums amounted to a breach of their human rights to privacy of the two professors who taught in them.

The University of Montenegro had decided to install surveillance cameras in student auditoriums. It claimed it was doing so for the protection of property and people and in order to monitor teaching. The two affected professors brought claims challenging that decision.

The European Court of Human Rights held that the decision to install the cameras was a breach of the professors' privacy rights. Although Article 8 of the European Convention on Human Rights bestows the right to respect for private and family life, "private life" should be interpreted broadly to include private social lives. This may also include professional activity which takes place in public.

In addition to teaching, the professors interacted with their students socially in the auditoriums. It was therefore like any other workplace, so surveillance of it (whether done openly or covertly) constitutes an intrusion into employees' private lives.

In that case, the university's surveillance could only continue if it went no further than is necessary in pursuit of a legitimate aim. Whilst protection of people and property could be a legitimate aim in the abstract, in this case there was no evidence of people or property being at risk. Therefore, the measures could not be justified by reference to that aim. The monitoring of teaching, on the other hand, was not capable of being a legitimate aim.

Antović and Mirković v Montenegro (Application no. 70 838/13)
[2017] ECHR 1068

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Given the potentially serious consequences of getting it wrong, here are some top tips for employers to prevent harassment and deal with allegations.

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