ADDLESHAW GODDARD

EMPLOYMENT LAW: WHAT'S ON THE HORIZON? (1 JANUARY 2018 ONWARDS)

FUTURE KEY LEGISLATIVE DEVELOPMENTS

NO.	ACT OR STATUTORY INSTRUMENT	SUMMARY AND IMPACTS	IMPACT DATE
1.	Trade Union (Deduction of Union Subscriptions from Wages in the Public Sector) Regulations 2017	**Trade unions: public authorities to be subject to check off restrictions** Relevant public authorities will be the subject of restrictions on the circumstances in which deductions of union subscriptions from wages may be made.	**10 March 2018**
2.	Regulations will be required	**National Living and minimum wage rate increases** The minimum wage rates are to be increased as follows: • Workers aged 25 or over: from £7.50 to £7.83 per hour. • Workers aged 21 – 25: from £7.05 to £7.38 per hour. • Workers aged 18 – 20: from £5.60 to £5.90 per hour. • Workers aged 16 – 17: from £4.05 to £4.20 per hour. • Apprentices: from £3.50 to £3.70 per hour.	**1 April 2018**
3.	Regulations will be required	**Statutory maternity, paternity, adoption, shared parental and sick pay increases**	**6 April 2018 (date tbc)**

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		The rates are to be increased as follows: • Statutory maternity, paternity, adoption, shared parental pay will increase from £140.98 to £145.18 per week. • Statutory sick pay will increase from £89.35 to £92.05 per week.	
4.	Pensions auto-enrolment legislation	**Pensions: auto-enrolment** The minimum contribution rates for defined contribution schemes will increase to 2% for employers (previously 1%) and an overall total of 5% (previously 2%) of the jobholder's qualifying earnings.	**6 April 2018**
5.	The Finance Bill 2017	**Taxation of salary sacrifice schemes** From April 2017 the majority of salary sacrifice schemes became subject to tax in the same way as cash income (save that arrangements in respect of: employer pensions contributions; childcare benefits; equipment provided under a cycle to work scheme; and ultra-low emission cars were permanently ring-fenced). However, some salary sacrifice arrangements were protected for a certain period: • All arrangements in place before 6 April 2017 were protected until **5 April 2018** (or before if the arrangement ends, changes, is modified or due for renewal at an earlier date). • Arrangements in place before 6 April 2017 for cars, accommodation and school fees were protected until **5 April 2021** (or before if the arrangement ends, changes, is modified or due for renewal at an earlier date). Therefore, any salary sacrifice arrangement put in place before 6 April 2017 that does not concern cars, accommodation or school fees (or is not one of the permanently ring-fenced benefits) will become subject to tax by 6 April 2018 at the latest.	**6 April 2018**
6.	Amendments will be made to the Income Tax (Earnings and Pensions) Act 2003	**Termination payments: simplification of the tax and national insurance treatment of termination payments** The following changes will come into force on 6 April 2018.	**6 April 2018** The introduction of employer NICs on termination

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		• All types of payments in lieu of notice will be taxable and subject to Class 1 NICs. • Removal of foreign service relief. • Clarification that the exemption for injury does not apply in cases of injured feelings. A further reform, the introduction of employer NICs on all termination payments above £30,000 (which are currently only subject to income tax), has been delayed until April 2019. The first £30,000 of any termination payment will remain exempt from income tax and the entirety of the payment will remain exempt from employee NICs.	payments above £30,000 will come into force in **April 2019**.
7.	General Data Protection Regulation EU 2016/679 Data Protection Bill	**Data protection: compliance with the General Data Protection Regulation (GDPR)** The GDPR is a directly effective EU regulation which applies from 25 May 2018. It will introduce important changes to data privacy compliance. The Data Protection Bill was published in September 2017. It will implement the GDPR and replace the Data Protection Act 1998. For our guide on the impact of the GDPR on managing employee data, you can read our guide here.	**25 May 2018**
8.	Trade Secrets Directive (EU) 2016/943	**Trade secrets** A new European Directive introducing an EU-wide definition of "trade secret" and setting out rules on the unlawful acquisition, disclosure and use of trade secrets came into force in June 2016. The definition is potentially wider than what is regarded as a "trade secret" under English common law, but somewhat narrower than the types of "confidential information" that may qualify for protection in the domestic courts. The Directive prohibits the acquisition of a trade secret through unlawful access to materials or other conduct which is contrary to "honest commercial practices" (a term that is not defined in the Directive); the use or disclosure of a trade secret where this would breach any contractual or other duty, or where the trade secret was acquired unlawfully; and the exploitation of goods produced using the trade secret where the user (for example, a subsequent employer) knew or ought to have known that the trade secret was acquired unlawfully. The Directive also includes enforcement measures, procedures and	**By 9 June 2018** The Trade Secrets Directive came into force in June 2016. Member States have 2 years from this date to implement the Directive into national legislation, meaning the UK must comply by 9 June 2018.

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		civil remedies, including interim injunctions and precautionary seizure of infringing goods. The proposal also covers the preservation of confidentiality during the litigation process. UK common law principles in this field are well-developed and already satisfy most of the requirements of the Directive.	
9.	The SBEEA will amend the Companies Act 2006 (sections 87)	**Company directors** All company directors must be natural persons and not corporate entities (s.87 SBEEA).	**Was due in 2017 - date to be confirmed** Section 87 was due to come into force in October 2016 but has been delayed.
10.	***Cap:*** The Enterprise Act 2016 inserts new sections 153A-C into the Small Business, Enterprise and Employment Act 2015 (**SBEEA**) which will permit the introduction of new regulations Public Sector Exit Payments Regulations 2016 (draft) ***Repayment:*** The SBEEA (sections 154-157) permits the introduction of new regulations The Small Business, Enterprise and Employment Act 2015 (Commencement No 3) Regulations 2015 The Repayment of Public Sector Exit Payments Regulations 2016 (draft)	**Termination payments: restrictions on public sector exit payments** ***Cap:*** The Enterprise Act 2016 will introduce a cap on the pre-tax value of public sector exit payments (including voluntary and compulsory redundancy and severance payments) of £95,000. This will apply broadly across the public sector as defined by the list of public sector bodies set down by the Office of National Statistics (although some bodies may be exempted). ***Repayment:*** New regulations will be introduced by way of the SBEEA to require the repayment of exit payments (e.g. redundancy payments) where a high earning public sector employee or office holder (defined as any individual earning above £100,000) is subsequently re-employed in the public sector within 12 months, on a pro rata basis. A consultation on this issue closed on 25 January 2016. Amongst other things, this consultation proposed reducing the minimum earnings threshold to £80,000. Draft regulations have been published but are not yet in force.	**Was due in 2017 - date to be confirmed** ***Cap:*** The power to make regulations under the Enterprise Act 2016 came into force on 1 February 2017. The Public Sector Exit Payments Regulations 2016 are intended to come into force on a

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			date to be confirmed. ***Repayment:*** Sections 154-157 of the SBEEA were brought into force on 1 January 2016. This gives the Secretary of State the power to make the relevant regulations. It is not yet known when The Repayment of Public Sector Exit Payments Regulations 2016 will come into force.
11.	Enterprise Act 2016 (section 33, schedule 5)	**Sunday trading: protection for shop workers** There will be an extension of rights of shop workers in respect of Sunday working: • They will be given the right to opt out of working compulsory additional hours (in excess of normal working hours) on a Sunday. • The duties on employers to notify workers of their rights about Sunday working will be extended.	**Was due in 2017 - date to be confirmed**

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12.	The Trade Union Act 2016 (section 19) will amend the Trade Union and Labour Relations (Consolidation) Act 1992 to allow regulations to be introduced The Trade Union (Financial Penalties) Regulations (draft)	**Trade unions: financial penalties** Regulations will be introduced which will empower the Certification Officer to impose financial penalties of up to £20,000 on trade unions if they fail to comply with certain statutory requirements.	**Was due in 2017 - date to be confirmed**
13.	Regulations will be required	**Caste discrimination: introduction of express statutory protection against caste discrimination** An order will be introduced to provide for caste to be an aspect of race under the Equality Act 2010. This will provide express statutory protection against caste discrimination. A consultation and feasibility study on measuring caste discrimination was published on 28 March 2017. The consultation closed on 18 September 2017. At the time of writing the order has not yet been made.	**Was due in 2017 - date to be confirmed**
14.	Various shared parental leave and pay regulations	**Shared parental leave: extension of leave and pay to working grandparents** In 2015 the Government announced plans to extend shared parental leave and pay to working grandparents by 2018. A public consultation on this proposal was due to commence in May 2016, but was postponed until after the EU referendum. It is not yet clear when the consultation will commence.	**During 2018**
15.	Draft Employment Rights Act 1996 (NHS Recruitment – Protected Disclosure) Regulations New regulations will be required to extend the protection to children's social care job applicants	**Whistleblowing: protection for job applicants for NHS and children's social care positions** Regulations will be introduced which prohibit relevant NHS and children's social care employers from discriminating against a job applicant because it is thought they have previously made a protected disclosure.	**During 2018**
16.	Workers (Definitions and Rights) Bill	**Private Members' Bill amending the definition of worker**	**During 2018** The second reading of the bill is due to take place

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		This Private Members' Bill was introduced by Chris Stephens MP and seeks amendments to the definition of worker by defining what rights are available and creating a single statutory definition of worker.	on 19 January 2018.
17.	Unpaid Trial Work Periods (Prohibition) Bill 2017 – 19	**Private Members' Bill prohibiting unpaid internships** This Private Members' Bill was introduced by Stewart Malcolm McDonald MP and will prohibit unpaid trial work periods in certain circumstances. The Bill provides that individuals undertaking work experience for a period exceeding 4 weeks must be paid the national minimum wage rate for their age group.	**During 2018** The second reading of the bill is expected to take place on 16 March 2018.
18.	Employment and Workers' Rights Bill 2017 - 2019	**Private Members' Bill on Employment and Workers' Rights** This Private Members' Bill was introduced by Stephanie Peacock MP and seeks to make provision about employment conditions and workers' rights.	**During 2018** The second reading of the bill is expected to take place on 27 April 2018.
19.	National Living Wage (Extension to Young People) Bill 2017 - 19	**Private Members' Bill extending the National Living Wage to young people** This Private Members' Bill was introduced by Holly Lynch MP and seeks to extend the higher National Living Wage rate (currently £7.50 per hour and due to rise to £7.83 per hour on 1 April 2018) to those aged between 19 and 24.	**During 2018** The second reading of the bill is due to take place on 6 July 2018.
20.	The Employment Rights (Amendment) (EU Exit) Regulations 2018 (draft) The Employment Rights (Amendment) (EU Exit) (No.2) Regulations 2018 (draft)	**Brexit: technical changes to employment law** These draft regulations specify the technical changes to be made to employment laws once Britain has left the European Union. The changes are technical in nature only, for example, removing EU-related references that will no longer be valid. The aim of the amendments is to ensure that the existing statutory framework continues to operate effectively in its current form after Brexit. However, as far as European Works Councils are concerned, the Government acknowledges that a reciprocal agreement from the EU would be required for the statutory framework to continue as it presently does.	**During 2018**

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		You can read the Government's explanatory note here.	
21.	Pensions auto-enrolment legislation	**Pensions: auto-enrolment** From 6 April 2019 the minimum contribution rates for defined contribution schemes will increase to 3% for employers (previously 2% as of 6 April 2018) and an overall total of 8% (previously 5% as of 6 April 2018) of the jobholder's qualifying earnings.	**6 April 2019**
22.	Parental Bereavement (Leave and Pay) Bill 2017 - 19	**Private Members' Bill on statutory parental bereavement leave and pay** This Private Members' Bill was introduced by Kevin Hollinrake MP and would entitle employed parents who lose a child below the age of 18 (including a still birth after 24 weeks) to 2 weeks' statutory leave to be taken within 56 days of the child's death. Employees who have at least 26 weeks' service at the time would also be entitled to receive 2 weeks' statutory pay at the lower of either the prescribed rate or 90% of their average earnings. Employers will be able to recover some or all of this payment from the Government. You can read our full report on the Bill here.	**During 2020** The second reading of the bill took place on 20 October 2017. The bill will be considered by the Public Bill Committee on 17 January 2018.

FUTURE KEY CASES

NO	CASE	SUMMARY AND IMPACTS	DATE JUDGMENT HANDED DOWN / EXPECTED
1.	Pimlico Plumbers v Smith	**Worker status: were plumbers self-employed, workers or employees?** This case concerns whether plumbers engaged by Pimlico Plumbers are employees, workers or neither. The Court of Appeal held that the claimant plumber was a worker under the Employment Rights Act 1996 and an employee for the purposes of the Equality Act 2010 (which uses an extended definition of employment covering workers). You can read our full report on the decision here. An appeal of the decision will be heard by the Supreme Court in 2018.	The Court of Appeal judgment was handed on 10 February 2017. The Supreme Court hearing is due to be take place on 20 and 21 February 2018.
2.	Aslam and others v Uber	**Worker status: are Uber taxi drivers workers?** The EAT decided that taxi drivers engaged by Uber were workers, rather than self-employed contractors. The consequence is that the drivers will be entitled to certain employment rights such as to be paid in accordance with the National Minimum / Living Wage and protections under the Working Time Regulations (e.g. rest breaks and paid holiday). You can read our full report on the decision here. Uber applied for permission to appeal directly to the Supreme Court (a "leapfrog appeal"). Permission was refused on 4 December 2017 and so the appeal will now proceed to the Court of Appeal.	Awaiting Court of Appeal listing.
3.	Boxer v CitySprint	**Worker status and TUPE: was cycle courier a worker or self-employed and, if a worker, did he automatically transfer under TUPE?**	A Preliminary Hearing to determine employment status is due to

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		A claim has been lodged by a cycle courier seeking determination of whether he had worker status and, if so, whether he automatically transferred to the transferee under the TUPE regulations.	take place on 5 February 2018.
4.	Independent Workers of Great Britain (**IWGB**) and University of London	**Worker status: are outsourced staff also workers of the end-user?** The IWGB have applied to the Central Arbitration Committee (**CAC**) for trade union recognition. As part of that application the CAC will need to decide whether outsourced staff (security guards, porters, receptionists, post-room staff and AV staff) employed by Cordant Security were also workers engaged by the University of London. If they are not workers of the University then the application for trade union recognition will fail.	Application lodged with the CAC on 21 November 2017. Awaiting listing of CAC hearing.
5.	Jones Meads v Roofoods Ltd t/a Deliveroo	**Worker status: are Deliveroo riders workers?** Deliveroo riders have brought claims in the Employment Tribunal that are predicated on their being workers. If they are not workers then the claims will fail. This action is separate to the application made to the CAC in 2017 by the IWGB for trade union recognition. In order for that application to proceed, the Deliveroo riders had to be workers for the purposes of TULRCA 1992. The CAC decided that the riders were self-employed and were not workers. You can read our full report on the CAC decision here.	An Employment Tribunal hearing to determine the claimants' employment status will be held in 2018.
6.	King v The Sash Window Workshop Ltd	**Holiday pay: can a worker carry over paid annual leave where they have been deterred from taking it because it is unpaid?** The ECJ has ruled that workers who are denied the right to take paid annual leave are entitled to bring claims in respect of accrued but untaken leave. There is no requirement on them to take the leave on an unpaid basis in order to bring a claim. Further, the right to paid annual leave for such workers accrues and carries over without limitation. This case has important implications for employers who have not yet adjusted holiday pay to include variable payments such as overtime and commission. It is also of concern to employers who engage individuals on a self-employed basis but who could be deemed to be "workers" for employment law purposes. You can read our full report on the decision here.	The ECJ judgment was handed down on 29 November 2017. Awaiting Court of Appeal listing.

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		The case will now return to the Court of Appeal.	
7.	Lock v British Gas Trading Limited	**Holiday pay: inclusion of commission payments in holiday pay** The Court of Appeal ruled that the Working Time Regulations 1998 can be interpreted to provide that holiday pay must include relevant commission payments. The Court decided that when faced with the question of whether a conforming interpretation can be adopted, the Courts should not confine themselves to the literal meaning of the legislation, but should consider whether such an interpretation is in line with the "grain" of the law. The Court decided that it could be presumed that the UK Government intended to fulfill entirely the obligations arising under the Working Time Directive, including those which were not apparent at the time the Directive was implemented such as the requirement for holiday pay to be "normal pay". You can read our full report on the decision here. British Gas was refused permission to appeal to the Supreme Court. You can read our report on the implications of the refusal here. The case will return to the Employment Tribunal to assess how Mr. Lock's holiday pay should have been calculated.	Awaiting Employment Tribunal listing
8.	International Petroleum v Osipov	**Whistleblowing: are non-executive directors personally liable for post-dismissal losses flowing from a detriment?** The EAT held that fellow workers, including non-executive directors, could be liable for whistleblowing detriment where the detriment is a dismissal. This was the case where the non-executive directors were instrumental in the decision to dismiss the employee who had made the protected disclosure. It was also held that the non-executive directors were jointly and severally liable with the employer for post-dismissal losses. You can read our full report on the decision here. An appeal of the decision will be heard by the Court of Appeal in 2018.	The Court of Appeal hearing is due to take place on 3 July 2018.
9.	Royal Mail Group Ltd v Jhuti	**Whistleblowing: knowledge of a protected disclosure and detriment claims**	The Court of Appeal decision

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		The Court of Appeal held that a dismissal will not be automatically unfair for having made a protected disclosure where the dismissing officer: (i) did not know that protected disclosures had been made; and (ii) had been misled by the employee's line manager to believe that the reason for dismissal was poor performance. Separately, the Court also decided that a claimant can bring a detriment claim in respect of a co-worker's actions which led to the dismissal (in this case, the line manager's alleged manipulation of the process) and they could pursue post-dismissal losses against the colleague and/or the employer (who is potentially vicariously liable for a co-worker's detriments unless there is a "reasonable steps" defence). The employer has applied for permission to appeal to the Supreme Court.	was handed down on 20 October 2017. Awaiting decision on application for permission to appeal to the Supreme Court.
10.	Asda Stores Limited v Brierley	**Equal pay: female supermarket workers able to compare themselves to male depot workers** This case concerns whether women working in Asda stores should be paid the same as men working in its distribution warehouses on the grounds that the roles are of equal value. The case is notable as it is the first large-scale equal pay claim brought against a private-sector employer. A Preliminary Hearing was held in June 2016, and judgment delivered in October 2016, where it was decided that the female retail workers were entitled to compare themselves to the male depot workers. The Tribunal's decision was subsequently upheld by the EAT who decided that the male depot workers were appropriate comparators for an equal value claim both under the Equality Act 2010 and under EU law. You can read our full report on the decision here. An appeal of the decision will be heard by the Court of Appeal in 2018.	EAT judgment handed down on 31 August 2017. The Court of Appeal hearing is due to take place on 10 October 2018.
11.	Porras Guisado v Bankia SA and others	**Pregnancy and maternity discrimination: protection against dismissal crystallises from conception and before the employer is notified** The Advocate General considered the dismissal of a pregnant worker in line with the provisions in the Collective Redundancies Directive (**CRD**) and the Pregnant Workers Directive 92/85/EEC (**PWD**). The Advocate General concluded that a collective redundancy situation is not necessarily	The Advocate General's Opinion was handed down on 14 September 2017.

NO	CASE	SUMMARY AND IMPACTS	DATE JUDGMENT HANDED DOWN / EXPECTED
		an "exceptional case" which can be used to justify the dismissal of a pregnant worker. Further, the PWD should protect workers against dismissal from the moment they are pregnant, even if they have not yet informed their employer of their pregnancy. You can read our full report on the decision here. The ECJ's judgment is awaited.	Judgment awaited.
12.	Gallop v Newport City Council	**Disability discrimination: knowledge of disability** The EAT held that an employee's dismissal was not direct disability discrimination because the dismissing officer had no knowledge of the employee's disability. It was also found that the knowledge of the employer's occupational health advisor could not be imputed to the dismissing officer. An appeal of the decision was heard by the Court of Appeal in 2017.	The Court of Appeal hearing took place on 6 July 2017. Judgment awaited.
13.	Donelien v Liberata UK Ltd	**Disability discrimination: constructive knowledge of disability** The EAT held that an employer was not fixed with constructive knowledge of an employee's disability despite a failure to follow up on a weak occupational health report. Overall, the employer had taken reasonable steps to reach a decision on the employee's disability status. Whilst a different employer may have chosen to revisit the unanswered questions posed to the occupational health advisor, the failure to do so was not fatal. The test was one of reasonableness, not perfection. An appeal of the decision was heard by the Court of Appeal in 2017.	The Court of Appeal hearing took place on 29 November 2017. Judgment awaited.
14.	Carreras v United First Partners Research	**Disability discrimination: whether expectation of working long hours amounts to a PCP?**	The Court of Appeal took place on 1 and 2 November 2017.

NO	CASE	SUMMARY AND IMPACTS	DATE JUDGMENT HANDED DOWN / EXPECTED
		The Employment Tribunal decided that an informal expectation that an employee work long hours was capable of amounting to a PCP requiring adjustment for the purposes of a claim for failure to make reasonable adjustments. You can read our full report on this decision here. An appeal of the decision was heard by the Court of Appeal in 2017.	Judgment awaited.
15.	Ali v Capita Customer Management	**Sex discrimination and shared parental leave: is it directly discriminatory to pay enhanced maternity pay to women and statutory shared parental pay to men?** An Employment Tribunal held that an employer directly discriminated against a male employee by paying enhanced pay to women on maternity leave and statutory pay only to men on shared parental leave. The Tribunal took the controversial step of allowing the claimant to compare himself to a woman on maternity leave, rather than confine him to a comparison with a woman on shared parental leave. They also held that after the compulsory two-week period, the purpose of maternity leave was detached from pregnancy and childbirth and so the special treatment derogation did not apply. You can read our full report on the decision here. An appeal of the decision was heard by the EAT in 2017.	The EAT hearing took place 20 and 21 December 2017. Judgment awaited.
16.	Hextall v Chief Constable of Leicestershire Police	**Sex discrimination and shared parental leave: is it directly discriminatory to pay enhanced maternity pay to women and statutory shared parental pay to men?** An Employment Tribunal held that a police force's policy of paying enhanced pay to women on maternity leave and statutory pay only to men on shared parental leave was not discriminatory. An appeal of the decision will be heard by the EAT in 2018.	The EAT hearing is due to take place on 16 January 2018.
17.	Morris-Garner v One Step (Support)	**Restrictive covenants: the scope of Wrotham Park damages**	The Supreme Court hearing took place on 11

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		The Court of Appeal upheld findings of breaches of non-compete and non-solicitation covenants connected to the sale of a business and made an award of damages on a "Wrotham Park" basis. The Court held that Wrotham Park damages are not restricted to exceptional cases and/or cases where there is no identifiable financial loss. Instead, the test is whether an award on such a basis would be a just response. An appeal of the decision was heard by the Supreme Court in 2017.	and 12 October 2017. Judgment awaited.
18.	Newcastle upon Tyne NHS Foundation Trust v Haywood	**Notice to terminate employment takes effect when employee personally takes delivery of the notice letter** The Court of Appeal struggled to decide the rules around when notice to terminate an employee's employment takes effect under the contract (in the absence of any express terms addressing this). They concluded that notice is served only when the employee, personally, has taken delivery of the letter containing notice. Here, the employee was away on holiday and didn't receive the letter until her return. The Court decided that notice was served on her return, notwithstanding that it had also been emailed to her and posted in a letter collected by her father-in-law in her absence. However, there was no requirement that the employee must have read the letter before the notice became effective. You can read our full report on the decision here. An appeal of the decision was heard by the Supreme Court in 2017.	The Supreme Court hearing took place on 20 November 2017. Judgment awaited.
19.	Colino Sigüenza v Ayuntamiento de Valladolid and others	**TUPE: is there a transfer of an undertaking where there is a gap of 5 months between the cessation of the old contract and the start of the new contract?** The Advocate General has given an opinion that there was no transfer of an undertaking under the Acquired Rights Directive (**ARD**) where there was a gap of 5 months between the termination of a contract with contractor 1 and the beginning of a new contract for the same service with contractor 2. This was in circumstances where the service, premises, equipment and resources used remained the same, but the staff changed. The Advocate General decided that following the termination of the contract with contractor 1 there was no entity that was capable of transferring for the purposes of the ARD.	The Advocate General's Opinion was handed down on 6 December 2017. ECJ judgment awaited

NO	CASE	SUMMARY AND IMPACTS	DATE JUDGMENT HANDED DOWN / EXPECTED
		The ECJ's judgment is awaited.	
20.	Seahorse Maritime Ltd v Nautilus International (a trade union)	**Collective redundancy consultation: the territorial scope of TULRCA 1992** The EAT held that the *Lawson v Serco* principles which apply to determining the territorial scope of rights under the Employment Rights Act 1996, also apply to the territorial scope of rights to a protective award for failure to consult under s.188 of TULRCA 1992. In this case it meant that seafarers employed under employment contracts governed by English law and living on ships stationed in the UK were international commuters who had a "sufficiently strong connection" to the UK to be able to bring claims before the Employment Tribunal. In practice, this means that employers will be obliged to carry out a collective consultation exercise if, at any one establishment anywhere in the world, it is proposing to dismiss as redundant 20 or more employees within a period of 90 days, who each individually have a sufficiently strong connection with the United Kingdom. An appeal of the decision will be heard by the Court of Appeal in 2018.	The Court of Appeal hearing is due to take place on 11 and 12 April 2018.
21.	Bellman v Northampton Recruitment Limited	**Vicarious liability: was employer liable for assault on employee at ad hoc drinks party following official Christmas party?** The High Court held that an employer was not liable for an assault by an employee on a co-worker at a drinks party which took place directly after the official Christmas party at a separate location. Although many employees were present, attendance was voluntary and third parties were also present. You can read our detailed report on the decision here. An appeal of the decision will be heard by the Court of Appeal in 2018.	The Court of Appeal hearing is due to take place by 12 April 2018.

If you would like more information on the above, please contact **Amanda Steadman**, Professional Support Lawyer at amanda.steadman@addleshawgoddard.com or on 020 7160 3310 or **Helen Almond**, Professional Support Lawyer at helen.almond@addleshawgoddard.com or on 0161 934 6243.

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