

# **EMPLOYMENT CHANNEL**

**PROGRAMME ARCHIVE**

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# THE EMPLOYMENT CHANNEL

The Employment Channel from Addleshaw Goddard is an award winning and innovative training tool which delivers employment law news bulletins online. The Channel has been developed to help our clients, HR professionals and other people managers to stay up to date with notable developments in employment law.

The Channel puts members of our team in front of the camera, providing expert interpretation of the developments, and what they mean for employers. In doing so we provide the commercial focus our clients' value.

News programmes are published on a regular basis together with transcripts and any relevant, associated documents such as judgements or legislation. The technology we use means that we are able to publish quickly short bulletins when something newsworthy arises.

You can view the latest programmes online – [www.ag-tv.co.uk](http://www.ag-tv.co.uk)

We have been producing employment law news bulletins since 2010. Here you will find overviews of our earlier programmes and links to the videos.

## Programme archive

Quick links to videos by year:

[2010](#)

[2011](#)

[2012](#)

[2013](#)

[2015](#)

## CONTACT

For more information about the Employment Channel or any of the topics discussed, please contact:



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# 2015 PROGRAMMES

## News on 10 April 2015

This news programme outlines the key changes to family friendly employment law that came into effect on 5 April 2015. Topics covered include:

- ▶ Shared parental leave
- ▶ Changes to adoption rights; and
- ▶ Changes to unpaid parental leave

### Supporting Documents

- ▶ [AG Guide to SPL](#)
- ▶ [Programme Script](#)

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## News on 5 May 2015

In this news programme we look at:

- ▶ the recent decision from the Court of Justice of the European Union in the case of *USDAW and Wilson v WW Realisation 1 Ltd (in liquidation), Ethel Austin Ltd and another (C-80/14)*, otherwise known as the “Woolworths” case. This case examines whether the duty to collectively consult is triggered where 20 or more employees are dismissed at either (1) a particular establishment, or (ii) across the whole of an employer’s business.

### Supporting Documents

- ▶ [Programme Script](#)

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## News on 14 October 2015

In this news programme, is it 'all change' in pay? We take a look at:

- ▶ the government's current consultation on the taxation of termination payments;
- ▶ where we're up to in terms of the ongoing review of IR35 arrangements; plus
- ▶ the introduction of a new 'living wage' for workers 25 and over from April 2016.

### Supporting Documents

- ▶ [Programme Script](#)
- ▶ [Consultation on the taxation of termination payments](#)
- ▶ [Consultation on intermediaries legislation \(IR35\)](#)
- ▶ [National Minimum Wage and National Living Wage rates](#)
- ▶ [The Living Wage Foundation](#)

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# 2013 PROGRAMMES

## News on 18 January 2013

In this news programme, our headlines include:

- ▶ The Government's recent announcement that collective redundancy consultation periods will be reduced by half from 90 to 45 days where 100 or more redundancies are proposed (with comment from Jamie Hamnett, Partner), and
- ▶ A look at "what lies ahead" in 2013 for employment law.

### Supporting Documents

- ▶ [Programme Script](#)
- ▶ [Government response to consultation](#)
- ▶ A look at "What lies" ahead in 2013 for employment law

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## News on 1 February 2013

In this news programme, our headlines include:

- ▶ A decision from the European Court of Human Rights on freedom of religion in the workplace (*Eweida & Ors v UK* [2013] ECHR (with comment from Michael Leftley, Partner)) and
- ▶ A decision from the Supreme Court with important consequences for terminating employment contracts and PILON payments (*Geys v Société Générale* [2012] UKSC 63 (with comment from Michael Leftley, Partner)).

### Supporting Documents

- ▶ [Programme Script](#)
- ▶ [Eweida & Others v The United Kingdom](#)
- ▶ [Societe Generale, London Branch v Geys](#)

**WATCH THE VIDEO**

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## News on 14 February 2013

In this news programme, our headlines include:

- ▶ the government's response to the "Ending the Employment Relationship" Consultation;
- ▶ proposed changes to TUPE 2006 Regulations;
- ▶ consultation over the detail of the new Early Conciliation process via ACAS;
- ▶ new measures to help employers manage sickness absence; and

- ▶ proposals to extend flexible working and introduce new shared parental leave (Children and Families Bill 2013).

## Supporting Documentation

- ▶ [Programme Script](#)
- ▶ [Ending the Employment Relationship](#)
- ▶ [Ending the Employment Relationship: Government Response to Consultation](#)
- ▶ [TUPE Regulations 2006](#)
- ▶ [BIS: Effectiveness of TUPE Regulations 2006](#)
- ▶ [Early conciliation: Consultation on Proposals for Implementation](#)
- ▶ [Health at work: An Independent Review of Sickness Absence](#)
- ▶ [Children and Families Bill](#)
- ▶ [Children and Families Bill \(HC Bill 131\)](#)
- ▶ [Shared Parental Leave](#)

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## News on 27 February 2013

In this news programme, our headlines include:

- ▶ Dismissals relating to an employee's political opinion or affiliation are soon to be exempted from the unfair dismissal qualifying period under further amendments to the Enterprise and Regulatory Reform Bill (with comment from Jamie Hamnett, Partner).
- ▶ An Employment Tribunal has decided, following remission from the Supreme Court, that the requirement for an employee to hold a law degree in order to progress up the pay scale for legal advisers in the Police National Legal Database was not objectively justified (*Homer v Chief Constable of West Yorkshire Police* (ET/1803238/2007, 4 February 2013) (with comment from Jamie Hamnett, Partner).
- ▶ ACAS has now published the new statutory Draft Code of Practice on Settlement Agreements for consultation; and
- ▶ The Equality and Human Rights Commission has released some new guidance for employers on handling religion and belief requests in the workplace.

## Supporting Documentation

- ▶ [Programme Script](#)
- ▶ [Further amendments to ERRB \(UK to disapply dismissals for political opinion / affiliation from qualifying period for UD\)](#)
- ▶ [Enterprise and Regulatory Reform Bill](#)
- ▶ [ACAS Draft Code of Practice \(Settlement Agreements\)](#)
- ▶ [EHRC guidance on handling religion and belief requests in the workplace](#)

## WATCH THE VIDEO

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### News on 13 March 2013

In this news programme, our headlines include:

- ▶ The government has announced more changes to whistleblowing legislation, following further amendments to the Enterprise and Regulatory Reform Bill (with comment from Claire Thomas, Managing Associate);
- ▶ The EAT has confirmed that a disclosure of information after termination of employment can still amount to a “protected disclosure” (*Onyango v Berkeley (t/a Berkeley Solicitors)*, EAT); and
- ▶ Lord Sugar has recently appeared at the Employment Tribunal to defend a claim for constructive unfair dismissal from Stella English, a former winner of the BBC1 television show “The Apprentice”.

#### Supporting Documentation

- ▶ [Programme Script](#)
- ▶ [More Protection for Whistleblowers announced](#)
- ▶ [Enterprise and Regulatory Reform Bill](#)
- ▶ [Enterprise and Regulatory Reform Bill – Updated Paper](#)
- ▶ [Enterprise and Regulatory Reform Bill – Amendments](#)
- ▶ [Onyango v Berkeley \(t/a Berkeley Solicitors\)](#)
- ▶ [TV’s The Apprentice Winner Stella English ‘overpaid lackey’](#)

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### News on 22 March 2013

In this news programme, our headlines include:

- ▶ A dismissal was fair even though the employer hadn’t fully complied with the ACAS Code (with comment from Emma Whiting, Partner): *Buzolli v Food Partners Ltd*;
- ▶ Using assessment centre competency tests to select employees for redundancy was unreasonable (with more commentary from Emma Whiting, Partner): *Mental Health Care (UK) Ltd v Biluan and another*;
- ▶ Dismissing a disabled employee on long-term sick leave was fair, even though the last occupational health report recommended a phased return to work: *Jennings v Barts and The London NHS Trust*.

#### Supporting Documentation

- ▶ [Programme Script](#)
- ▶ [Buzolli v Food Partners Ltd](#)
- ▶ [Mental Health Care UK Ltd v Biluan & Anor](#)
- ▶ [Jennings v Barts & London NHS Trust](#)

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### News on 11 April 2013

In this news programme, our headlines include:

- ▶ Is obesity a disability? The EAT considers the legal position in *Walker v Sita Information Networking Computing Ltd*, EAT (with comment from Jamie Hamnett, Partner);
- ▶ Are covert recordings admissible as evidence in Tribunal? The EAT provides some guidance in *Vaughan v London Borough of Lewisham*, EAT (with further comment from Jamie Hamnett, Partner); and
- ▶ An update on the government's timetable for employment law reform.

#### Supporting Documentation

- ▶ [Programme Script](#)
- ▶ [Walker v Sita Information Networking Computing Ltd](#)
- ▶ [Vaughan v London Borough of Lewisham & Others](#)

## WATCH THE VIDEO

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### News on 24 April 2013

In this news programme, our headlines include:

- ▶ Whether a genuine redundancy situation existed and whether redundancy was the real reason for dismissal: the EAT's decisions in *Fish v Glen Golf Club*, and *Malekout v Ahmed and Others* (with comment from Claire Thomas, Managing Associate);
- ▶ April's changes to the collective redundancy consultation procedures; and an update on the government's timetable for employment law reform; and
- ▶ An update on the infamous Apprentice constructive dismissal case. Stella English decided to take on Lord Sugar; how did she get on?

#### Supporting Documentation

- ▶ Programme Script
- ▶ [Fish v Glen Golf Club](#)
- ▶ [Malekout v Ahmed & Others](#)
- ▶ [English v Amshold Group Ltd](#)
- ▶ [How to manage collective redundancies](#)

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## News on 15 May 2013

In this programme, our headlines include:

- ▶ The Enterprise and Regulatory Reform Act 2013 and the Growth and Infrastructure Act 2013, have both received Royal Assent. What changes will they bring to employment law? (with comment from Sally Hulston, Managing Associate);
- ▶ The EAT considers whether victimisation extends to post-termination acts (*Onu v Akwivu and another*);
- ▶ A Tribunal finds that a City banker had been victimised due to claims that she had brought a claim against a previous employer (*Bouabdillah v Commerzbank*); and
- ▶ We also take a quick look Henning Berg's successful claim against Blackburn Rovers FC following his dismissal after only 57 days in the job.

### Supporting Documentation:

- ▶ [Programme Script](#)
- ▶ [Enterprise and Regulatory Reform Act 2013 and Growth and Infrastructure Act 2013 receive Royal Assent](#)
- ▶ [Enterprise and Regulatory Reform Bill receives Royal Assent](#)
- ▶ [Royal Assent for Growth and Infrastructure Act](#)
- ▶ [Onu v Akwivu and another](#)

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## News on 31 May 2013

In this programme, our headlines include:

- ▶ The EAT deciding that a bank's promise to pay out bonuses to its bankers was legally binding; *Dresdner Kleinwort & Commerzbank v Atrill and others* (with comment from Kate McGough, Managing Associate);
- ▶ Confirmation that the Acas Code of Practice can apply to "some other substantial reason" dismissals: *Lund v St Edmund's School, Canterbury* (with further comment from Kate McGough); and
- ▶ The European Court of Justice holding a Romanian football club responsible for homophobic statements made by the majority shareholder of the club.

### Supporting Documentation

- ▶ [Programme Script](#)
- ▶ [Dresdner Kleinwort Ltd & Commerzbank v Atrill & Others](#)
- ▶ [Lund v St Edmund's School, Canterbury](#)
- ▶ [Asocia ACCEPT v Consiliul National pentru Combaterea Discriminari](#)

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## News on 20 June 2013

In this programme our headlines include:

- ▶ A landmark decision from the EAT that the words “at one establishment” should be disregarded for the purposes of any collective redundancy involving at least 20 employees in a single business: *USDAW and others v WW Realisation 1 Ltd*(in Liquidation) and another (with comment from Sally Hulston, Managing Associate);
- ▶ A finding from the Employment Tribunal that a compulsory retirement age of 65 was justified and did not amount to age discrimination: *Seldon v Clarkson Wright & Jakes* (with further comment from Sally Hulston, Managing Associate); and
- ▶ John McCririck launches a £3 million age discrimination claim against Channel 4.

### Supporting Documentation

- ▶ [Programme Script](#)
- ▶ [Landmark ruling overhauls collective redundancy law](#)
- ▶ [John McCririck: “I’m acting for all older workers in £3m Channel 4 age discrimination claim”](#)

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## News on 28 June 2013

In this programme our headlines include:

- ▶ Victimisation: the EAT considers whether dismissing an employee because of a ‘breakdown in trust and confidence’ after the employee had raised numerous complaints of race discrimination, amount to victimisation: *Woodhouse v West North West Homes Leeds* (with comment from Claire Thomas, Managing Associate); and
- ▶ Costs: the EAT upholds a large costs award against an unemployed and unrepresented claimant, even in the absence of a deposit order or costs warning letter: *Vaughan v London Borough of Lewisham* (with further comment from Claire Thomas)

### Supporting Documentation

- ▶ [Programme Script](#)
- ▶ [Woodhouse v West North West Homes Leeds Ltd](#)
- ▶ [Vaughan v London Borough of Lewisham](#)

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## News on 17 July 2013

In this programme our headlines include:

- ▶ Changes to whistle-blowing legislation (with comment from Jamie Hamnett, Partner);
- ▶ Effective from later on in July 2013, a change to the unfair dismissal compensatory award cap to the lower of £74,200 or one year’s gross pay (with further comment from Jamie Hamnett); and
- ▶ Other changes to Employment Tribunal practice and procedure.

## Supporting Documentation

- ▶ [Programme Script](#)
- ▶ [Enterprise and Regulatory Reform Act 2013 – s15](#)
- ▶ [Enterprise and Regulatory Reform Act 2013 – s17](#)
- ▶ [Enterprise and Regulatory Reform Act 2013 – s18](#)
- ▶ [Enterprise and Regulatory Reform Act 2013 – s19](#)
- ▶ [USDAW v Ethel Austin Ltd](#)
- ▶ [AG E-alert July 2013 \(Collective Consultation\)](#)

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# 2012 PROGRAMMES

## News on 5 January 2012

In this programme our headlines include:

- ▶ A round up of employment law developments in 2011 and a look at the year ahead

### Supporting Documentation

- ▶ [Programme Script](#)
- ▶ [Addleshaw Goddard up-to-date e-alert – Employment Law Review 2011](#)
- ▶ [Addleshaw Goddard up-to-date e-alert – The year ahead](#)

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## News on 12 January 2012

In this programme our headlines include:

- ▶ A report on two recent social media cases involving the use of Twitter and LinkedIn at work;
- ▶ An EAT dealing with discrimination in recruitment (Czikai v Freemantle Media Ltd);
- ▶ An update on the compensation limits increase from 1 Feb 2012.

### Supporting Documentation

- ▶ [Programme Script](#)
- ▶ [Czikai v Freemantle Media Ltd and others \(EAT\)](#)
- ▶ [Compensation rates and limits from 1 February 2012](#)

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## News on 19 January 2012

In this programme our headlines include:

- ▶ An EAT decision on equal pay where an incremental pay scale justified the difference in treatment (Secretary of State for Justice v Bowling)
- ▶ ACAS guidance on preparing for the Olympics
- ▶ An update on the increase to the unfair dismissal qualifying period

## Supporting Material

- ▶ [Programme Script](#)
- ▶ [Secretary of State for Justice \(sued as National Offenders Management Service\) v Bowling \(EAT\)](#)
- ▶ [ACAS guidance on preparing for the Olympics 2012](#)

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## News on 27 January 2012

In this programme our headlines include:

- ▶ An Employment Appeal Tribunal case reminding employers that Tribunals will look at the true or principal reason for dismissal ((1) Governing Body of John Loughborough School (2) LB of Haringey v Alexis) (with comment from Helen Corbett, Associate).
- ▶ A report on discrimination in the provision of goods and services, with particular focus on recent disability and age discrimination developments (with comment from Helen Corbett, Associate).
- ▶ An update on changes to parental leave now coming into force in March 2013.

## Supporting Material

- ▶ [Programme Script](#)
- ▶ [Governing Body of John Loughborough School \(2\) LB of Haringey v Alexis \(EAT\)](#)

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## News on 2 February 2012

In this programme our headlines include:

- ▶ The Government's recent proposals on executive pay (with comment from Michael Carter, Partner in Addleshaw Godard's Employee Incentive Group).

## Supporting Material

- ▶ [Employment Incentives Group e-alert on Government proposals](#)

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## News on 9 February 2012

In this programme our headlines include:

- ▶ Two Court of Appeal cases on whether an employer will be vicariously liable for violent acts committed by employees (*Weddall v Barchester Healthcare Ltd*; *Wallbank v Wallbank Fox Designs Ltd*) (with comment from Ed Gregory, Associate).
- ▶ An EAT case giving guidance on the extent of an employer's obligations to provide information in redundancy situations (*Camelot Group v Hogg*) (with comment from Ed Gregory, Associate).
- ▶ A European decision on the appropriate use of successive fixed term contracts (*Kücük v Land Nordrhein-Westfalen*).

### Supporting Material

- ▶ [Programme Script](#)
- ▶ [Weddall v Barchester Healthcare Ltd; Wallbank v Wallbank Fox Designs Ltd \(COA\)](#)
- ▶ [Camelot Group v Hogg \(EAT\)](#)
- ▶ [Kücük v Land Nordrhein-Westfalen \(ECJ\)](#)

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## News on 16 February 2012

In this programme our headlines include:

- ▶ A Supreme Court ruling confirming the test to apply when deciding whether an employee based abroad can bring an unfair dismissal claim in the UK (*Ravat v Halliburton Manufacturing and Services Ltd*) (with comment from Stefan Brochwicz-Lewinski, 9 St John Street Chambers).
- ▶ An Employment Appeal Tribunal case commenting on continuity of employment when an employee withdraws their resignation (*Chelmsford College Corporation v Teal*) (with comment from Stefan Brochwicz-Lewinski, 9 St John Street Chambers).
- ▶ An update on two important employment law changes taking effect from 6 April (to include the proposed increase to the unfair dismissal qualifying period).

### Supporting Material

- ▶ [Programme Script](#)
- ▶ [Ravat v Haliiburton Manufacturing and Services Ltd \(SC\)](#)
- ▶ [Chelmsford College Corporation v Teal \(EAT\)](#)

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## News on 23 February 2012

In this programme our headlines include:

- ▶ An update on the Pensions Automatic Enrolment provisions including: 1) The revised timetable for implementation of the obligations; and 2) Guidance for employers relying on third party providers to comply with their auto-enrolment duties.
- ▶ With comment from Tom Taylor, Associate from our Pensions Team.

### Supporting Material

- ▶ [AG Pensions e-alert: Revisions to Pensions Auto-enrolment Timetable](#)
- ▶ [AG Pensions e-alert: Advice for employers relying on 3rd party providers](#)
- ▶ [Link to the Pension Regulator website](#)

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## News on 1 March 2012

In this programme our headlines include:

- ▶ Key legal and commercial issues involved with claw back provisions in service contracts following recent press coverage on this topic (with comment from Michael Carter, Partner from our Employee Incentives Group).

### Supporting Material

- ▶ [Employee Incentives Group e-alert on clawback provisions](#)

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## News on 13 March 2012

In this programme our headlines include:

- ▶ A summary of key TUPE case law and developments in the last twelve months (featuring Ceri Hughes, a Managing Associate in our Employment Team).

### Supporting Material

- ▶ [Hunter v McCarrick \(EAT\)](#)
- ▶ [Enterprise Management Services Ltd v Connect-Up Ltd \(EAT\)](#)
- ▶ [Nottinghamshire NHS Trust v Hamshaw and others \(EAT\)](#)
- ▶ [Skills Development Scotland Co Ltd v Buchanan \(EAT\)](#)
- ▶ [Smith v Trustees of Brooklands College \(EAT\)](#)
- ▶ [Tapere v South London and Maudsley NHS Trust \(ET\)](#)

- ▶ [Spaceright Europe Ltd v Baillavoine \(COA\)](#)
- ▶ [Key2Law \(Surrey\) LLP v De'Antiquis \(COA\)](#)

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### News on 27 March 2012

In this programme our headlines include:

- ▶ A report on reinstatement and re-engagement orders when an employee is found to be unfairly dismissed by the Employment Tribunal (featuring Lena Amartay, 9 St John Street Chambers).

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### News on 5 July 2012

This news programme covers a round-up of some of the most important developments from the past couple of months, including:

- ▶ the key points arising from two Supreme Court decisions on age discrimination
- ▶ a Court of Appeal case which examined whether an employer was entitled to withhold a contractual payment in lieu of notice after discovering that an employee had committed gross misconduct; and
- ▶ a more recent European case on whether annual leave that coincides with sickness can be taken at a later date.

#### Supporting Material

- ▶ [Programme Script](#)
- ▶ [Seldon v Clarkson Wright and Jakes \(A Partnership\)](#)
- ▶ [Homer v Chief Constable of West Yorkshire Police](#)
- ▶ [Cavenagh v William Evans Ltd](#)
- ▶ [Asociacion Nacional de Grandes Empresas de Distribucion \(ANGED\) v Federacion de Asociaciones Sindicales \(FASGA\) & Ors \(Organisation of working time – Entitlement to paid annual leave – Sick leave\)](#)

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### News on 13 July 2012

This news programme reviews some of the most important current proposals to reform employment law legislation, including:

- ▶ key aspects of the Enterprise and Regulatory Reform Bill;
- ▶ the Government Response to part of the Modern Workplaces Consultation (mandatory equal pay audits);
- ▶ Consultation on Amendments to the Equality Act 2010; and
- ▶ Consultation on Collective Redundancies.

### Supporting Material

- ▶ [Programme Script](#)

### Enterprise and Regulatory Reform Bill

- ▶ [Enterprise Bill](#)
- ▶ [Enterprise and Regulatory Reform Bill](#)

### Modern Workplaces Consultation

- ▶ [Modern Workplaces Consultation](#)
- ▶ [BIS – Modern Workplace Consultation](#)
- ▶ [BIS – Consultation on Modern Workplaces](#)

### Consultations on amendments to the Equality Act 2010

- ▶ [Equality Act 2010: Consultation on employment liability for harassment of employees by third parties](#)
- ▶ [Equality Act 2010: consultation on repeal of two enforcement provisions](#)

### Consultation on Collective Redundancies

- ▶ [Collective Redundancies: Consultation on changes to the rules](#)

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## News on 26 July 2012

A report on the final proposed reforms relating to executive pay, which have been published as part of the Enterprise and Regulatory Reform Bill (with comment from Michael Carter, Partner in the Addleshaw Goddard Employee Incentives Group).

### Supporting Material

- ▶ [Programme Script](#)
- ▶ [Government announces far-reaching reform of directors pay – BIS](#)
- ▶ [Directors pay – guide to government reforms – BIS](#)
- ▶ [Enterprise and Regulatory Reform Bill – BIS](#)

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## News on 9 August 2012

In this programme our headlines include:

- ▶ the EAT confirms that there is no service provision change under TUPE 2006 on a change of contract where there is also a change in the underlying client (*Taurus v Crofts* UK EAT/0024/12) (with comment from Kate McGough, Managing Associate);
- ▶ the Court of Appeal holds that there is no requirement for sick workers to request carry over of holiday (*NHS Leeds v Lerner* [2012] EWCA Civ 1034); and
- ▶ the Government plans to introduce fees in both Employment Tribunals and the Employment Appeal Tribunal as early as Summer 2013 (with comment from Kate Edminson, Associate).

### Supporting Material

- ▶ [Programme Script](#)
- ▶ [Taurus Group Ltd v Crofts & Anor \(Transfer of Undertakings : Service Provision Change\) \[2012\] UKEAT 0024 12 2205 \(22 May 2012\)](#)
- ▶ [NHS Leeds v Lerner \[2012\] EWCA Civ 1034 \(25 July 2012\)](#)
- ▶ [Introducing fees in employment tribunals and Employment Appeal Tribunal](#)
- ▶ [Managing redundancy for pregnant employees or those on maternity leave](#)
- ▶ [Gillingham FC 'racially victimised Mark McCammon'](#)

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## News on 21 August 2012

In this programme our headlines include:

- ▶ Can there be a redundancy situation when there's no reduction in headcount? We review two recent EAT decisions which came to different conclusions (*Packman (t/a Packman Lucas Associates) v Fauchon & Welch v The Taxi Owners Association (Grangemouth) Ltd* (UKEATS/0001/12/BI)) (with comment from Rosie Kight, Associate);
- ▶ the EAT confirms that Tribunals shouldn't scrutinise redundancy scoring systems once they have decided that the overall system is fair (*Nicholls v Rockwell Automation Ltd* UKEAT/0540/11/SM & UKEAT/0541/11/SM) (with comment from Chris McAvoy, Associate); and
- ▶ Mr Justice Underhill has completed his review of the Employment Tribunal (Rules of Procedure) and has announced his recommended changes. We review some of the highlights (also with comment from Chris McAvoy, Associate).

### Supporting Material

- ▶ [Programme Script](#)
- ▶ [Packman \(t/a Packman Lucas Associates\) v Fauchon](#)
- ▶ [Welch v The Taxi Owners Association \(Grangemouth\) Ltd](#)
- ▶ [Nicholls v Rockwell Automation Ltd](#)
- ▶ [Fundamental Review of Employment Tribunal Rules](#)
- ▶ [Fundamental review of employment tribunal rules: employment tribunal rules of procedure](#)

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### News on 31 August 2012

In this programme our headlines include:

- ▶ how far can you go to stop a director from soliciting old clients? The High Court has considered the enforceability of a 6 month non-solicitation clause which sought to prevent a director from approaching anyone who'd been a customer of the company during his employment (*Safetynet Security Ltd v Coppage and another (2012) (Mercantile Court)*) (with comment from Jamie Hamnett, Partner);
- ▶ ACAS updates its guidance on redundancy handling to reflect the importance of the "role of the teller" – we take a look (with comment from Jamie Hamnett, Partner); and
- ▶ as the football season starts, we find an employee who's just received £44,000 after being bullied for NOT liking football. In other football-related news, Gillingham FC are to appeal against the finding that they unfairly sacked Mark McCammon in an act of racial victimisation.

#### Supporting Material

- ▶ [Programme Script](#)
- ▶ [Safetynet Security Ltd and Coppage](#)
- ▶ [Redundancy Handling – The Role of the Teller](#)
- ▶ [A new role emerges in downsizing: Special envoys](#)
- ▶ [Sales rep branded 'gay' because he didn't like football wins £44,000 payout](#)
- ▶ [Gillingham FC appeal against tribunal ruling that they sacked former player Mark McCammon in an act of racial victimization](#)

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### News on 7 September 2012

In this programme our headlines include:

- ▶ the EAT confirms that "prevention really is better than cure" in a case about constructive dismissal (*Assamoi v Spirit Pub Company (Services) Ltd (EAT)*), with comment from Emma Whiting, Partner;
- ▶ the ECJ says that Sweden can lawfully retain a national law requiring employees to retire at 67 (*Hornfeldt v Posten Meddelande AB C-141/11, (ECJ)*), also with comment from Emma Whiting, Partner; and
- ▶ there are proposals afoot to extend legal protection to TA reservists.

#### Supporting Material

- ▶ [Programme Script](#)
- ▶ [Assamoi v Spirit Pub Company \(Services\) Ltd](#)

- ▶ [Hornfeldt v Posten Meddelande AB](#)
- ▶ [Companies to be banned from asking if potential employees are TA Reservists](#)

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## News on 24 September 2012

- ▶ In this news programme, our headlines include:
- ▶ The EAT upholds a rare re-engagement order where employees were dismissed for a reason connected to a TUPE transfer (*The Manchester College v Hazel and another*) (with comment from Richard Yeomans, Partner)
- ▶ The Government has outlined the next steps in its mission to reduce the burden of employment regulations;
- ▶ Age UK calls for an increase in the use of flexible working arrangements for older workers.

### Supporting Documents

- ▶ [Programme Script](#)
- ▶ [The Manchester College v Hazel and another](#)
- ▶ [Ending the Employment Relationship Consultation Paper](#)
- ▶ [Review of the Employment Tribunal Rules Consultation Paper](#)
- ▶ [Response to the Call for Evidence on Dealing with Dismissals and Compensated No-Fault Dismissals for Micro Businesses](#)
- ▶ [Response to the Call for Evidence on the Effectiveness of TUPE](#)
- ▶ [Age UK Report – A Means to Many Ends](#)

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## News on 16 October 2012

In this news programme, our headlines include:

- ▶ The High Court confirmed that an employee's promotion to a senior role could not revive a non-compete restrictive covenant held to be void at the time it was entered into (*PAT Systems V Neilly, (UKHC)*) (with comment from Jamie Hamnett, Partner);
- ▶ The EAT has said that in constructive unfair dismissal claims, a fundamental breach of contract does not need to be the main reason for an employee's resignation provided that it is one of the reasons (*Logan v Celyn House Ltd (EAT)*) (also with comment from Jamie Hamnett, Partner);
- ▶ George Osborne recently announced proposals to bring in "owner-employee" contracts which could potentially allow employees to trade certain employment rights in return for shares.

### Supporting Documents

- ▶ [Programme Script](#)

- ▶ [PAT systems v Neilly](#)
- ▶ [Logan v Celyn House](#)
- ▶ [George Osborne's announcement](#)

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## News on 30 October 2012

In this news programme, our headlines include:

- ▶ Can taking the Pope's name in vain amount to harassment? A Tribunal finds that context is everything in a busy newsroom at The Times newspaper (*Heafield v Times Newspaper Limited ET/3202080/10*) (*PAT Systems V Neilly, (UKHC)*) (with comment from Emma Whiting, Partner);
- ▶ Hot on the heels of George Osborne's announcement about employee-owner contracts, the Government has published its consultation. This closes on 8 November.
- ▶ Proposals for shared maternity leave now look to be delayed until October 2015, due to fears over the potential impact on businesses.

### Supporting Documents

- ▶ [Programme Script](#)
- ▶ [Heafield v Times Newspaper Limited ET/3202080/10](#)
- ▶ [Consultation on implementing employee owner status](#)
- ▶ [Parents to share maternity leave under new plans](#)

## WATCH THE VIDEO

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## News on 22 November 2012

In this news programme, our headlines include:

- ▶ Birmingham City Council could be facing an equal pay bill of up to £15 million after a landmark legal ruling in the Supreme Court. (*Birmingham City Council v Abdulla and others [2012] UKSC 47*) (with comment from Malcolm Pike, Partner),
- ▶ The Court of Appeal confirms that service provision changes only occur under TUPE where the underlying client stays the same. (*McCarrick v Hunter [2012] EWCA Civ 1399*),
- ▶ A ruling from the European Court of Human Rights that dismissing a bus driver for being a member of the BNP was a breach of his human rights.

### Supporting Documents

- ▶ [Programme Script](#)
- ▶ [Birmingham City Council \(Appellant\) v Abdulla and others \(Respondents\)](#)

- ▶ [McCarrick v Hunter \[2012\] EWCA Civ 1399](#)
- ▶ [Bus driver who was sacked for being in BNP wins human rights case](#)

## WATCH THE VIDEO

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## News on 30 November 2012

In this news programme, our headlines include:

- ▶ The High Court's decision in finding a manager who commented on Facebook that church civil partnerships are "an equality too far" wasn't guilty of misconduct and his subsequent demotion amounted to a breach of contract. (Smith v Trafford Housing Trust [2012] EWHC 3221 (Ch)) (with comment from Rob Riley, Partner),
- ▶ A quick update on two recent TUPE cases (Liddell's Coaches v Cook and others UKEATS/0025/12 and Tamang v Act Security UKEAT/0046/12BA) (with comment from Rob Riley, Partner), and
- ▶ The Government's latest announcement about shared parental leave and flexible working.

### Supporting Documents

- ▶ [Programme Script](#)
- ▶ [Smith v Trafford Housing Trust](#)
- ▶ [Liddell's Coaches v Cook & Ors](#)
- ▶ [Tamang & Anor v ACT Security Ltd & Anor](#)
- ▶ [Nick Clegg unveils plans for flexitime working patterns](#)
- ▶ [Parental leave to become flexible under plans set out by Nick Clegg](#)

## WATCH THE VIDEO

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## News on 13 December 2012

In this news programme, our headlines include:

- ▶ Andy Coulson wins his battle with News Group Newspapers to enforce an indemnity for legal costs in his compromise agreement with the paper. (Coulson v News Group Newspapers Ltd [2012] EWCA Civ 1547) (with comment from Jamie Hamnett, Partner),
- ▶ Can comments made on Facebook count towards a "continuing act" for the purposes of discrimination? (Novak v Phones 4u Ltd UKEAT 0279/112) (with comment from Jamie Hamnett, Partner),
- ▶ The government is pressing ahead with "employee owner" status, despite receiving little support in its recent consultation, and
- ▶ Amazon's found itself in hot water after its recommended gift ideas "for him" and "for her" have been challenged as being sexist and stereotypical.

### Supporting Documents

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- ▶ [Programme Script](#)
- ▶ [Coulson v New Group Newspapers Ltd](#)
- ▶ [Novak v Phones 4U Ltd](#)
- ▶ [Implementing Employee Owner Status](#)
- ▶ [“Offensive stereotype” gift suggestions axed from Amazon after MSP complains](#)

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# 2011 PROGRAMMES

## News on 13 January 2011

A summary on the Martin v Devonshires Solicitors case on victimisation; the government consultation on tribunal fees; the national flu campaign and managing flu related absences; whether a belief in animal rights can be a philosophical belief.

### Supporting material

- ▶ [Programme script](#)

### Case Judgements

- ▶ [Martin v Devonshires Solicitors](#)

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## News on 27 January 2011

A report on recent developments on the abolition of the default retirement age and the transitional arrangements coming into force in April; the outcome of the recent high profile discrimination case brought by Miriam O'Reilly against the BBC; and commentary on whether the Royal Wedding means a holiday for all.

### Supporting material

- ▶ [Programme script](#)
- ▶ [ACAS Guidance for employers: Working without the default retirement age](#)

### Case Judgements

- ▶ [O' Reilly v British Broadcasting Corporation](#)

**WATCH THE VIDEO**

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## News on 3 February 2011

A report on the government's consultation to change the current system for resolving workplace disputes, including reforms to the employment tribunal system.

### Supporting material

- ▶ [Programme script](#)
- ▶ [Addleshaw Goddard "up-to-date" publication on the Government's consultation](#)
- ▶ [Resolving workplace disputes – consultation paper](#)

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## News on 10 February 2011

An update on the Bribery Act; and commentary on offering alternative employment to potentially redundant employees (Morgan v The Welsh Rugby Union) and whether a change of location alone can be an ETO reason (Tapere v South London & Maudsley NHS).

### Supporting material

- ▶ [Programme script](#)
- ▶ [The Bribery Act](#)
- ▶ [The Bribery Act – Draft Guidance](#)
- ▶ [Morgan v The Welsh Rugby Union](#)
- ▶ [Tapere v South London and Maudsley NHS Trust](#)

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## 2010 Key Learning Points

A programme prepared for Addleshaw Goddard's February HR Seminars covering key learning points from 2010. The report comments on key cases involving holidays and sick leave, redundancy, unfair dismissal and equal pay.

### Supporting material

- ▶ [Programme script](#)
- ▶ [List of cases including links to judgements](#)

**WATCH THE VIDEO**

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## News on 17 February 2011

An update on four cases: can the statutory uplift be avoided?; two Court of Appeal decisions reminding us of the Tribunal's approach in unfair dismissal cases; and a brief comment on costs awards if a party fails to consider settlement.

### Supporting material

- ▶ [Programme script](#)
- ▶ [University of The Arts London v Rule](#)
- ▶ [Bowater v Northwest London Hospitals NHS Trust](#)
- ▶ [Orr v Milton Keynes Council](#)
- ▶ [G4S Services v Rondeau](#)

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## News on 24 February 2011

A report on the new Default Retirement Age Regulations; commentary on a recent EAT decision confirming that TUPE applies in all Administrations; and an update on the right to take time off for small/medium businesses.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Addleshaw Goddard Publication – Abolition of the Default Retirement Age](#)
- ▶ [The Employment Equality \(Repeal of Retirement Age Provisions\) Regulations 2011](#)
- ▶ [OTG Ltd v Barke & Others \(EAT\)](#)

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## News on 3 March 2011

A report on the European ruling that using gender to determine insurance premiums and benefits is unlawful: commentary on the Tribunal's territorial jurisdiction in discrimination cases (BA v Mak); Government's plans to end the culture of sick

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Addleshaw Goddard's up-to-date publication on the ECJ ruling on gender and insurance benefits](#)
- ▶ [British Airways plc v Mak and others \(EWCA\)](#)

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## News on 10 March 2011

An update on the recent amendments to the Default Retirement Age Regulations; a report on the extent that Tribunals can take final warnings into account in unfair dismissal cases (Davies v Sandwell Metropolitan Borough Council); and a report on the use of social media outside of work (Gosden v Lifeline Project Ltd).

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Addleshaw Goddard up-to-date publication on amends to the Default Retirement Age Regulations](#)
- ▶ [Davies v Sandwell Metropolitan Borough Council \(EAT\)](#)
- ▶ [Gosden v Lifeline Project Ltd \(ET\)](#)

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## News on 17 March 2011

A report on the claim by Tullett Prebon against BGC Brokers; a recent case where a warning issued in error under an absence policy rendered a dismissal unfair (Sakharkar v Northern Foods); a case clarifying the role of ACAS (Allma Construction).

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Addleshaw Goddard up-to-date publication on the Tullett Prebon case](#)
- ▶ [Tullett Prebon PLC & ORS v BGC Brokers LP & ORS](#)
- ▶ [Mr S Sakharkar v Northern Foods Grocery Group Ltd T/A Fox's Biscuits](#)
- ▶ [Allma Construction Ltd v Bonner \(EAT\)](#)

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## News on 24 March 2011

A report on important tax changes on the horizon for termination payments; Government's plans to reduce red-tape for businesses; a recent case on whether a belief in animal rights is protected under discrimination law (Hashman v Orchard Tree).

### Supporting material

- ▶ [Programme Script](#)
- ▶ [HMRC Regulations on payment of tax free legal fees under settlement agreements](#)
- ▶ [Amendments to the PAYE Regulations regarding post-P45 termination payments](#)
- ▶ [and Explanatory Memorandum](#)
- ▶ [Government article on removing red-tape for businesses](#)
- ▶ [Hashman v Milton Park \(Dorset\) Ltd \(t/a Orchard Park\) \(ET\)](#)

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## News on 31 March 2011

A summary of the key employment law changes taking effect in April 2011.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Directgov guidance on Additional Paternity Leave and Pay](#)
- ▶ [Government's guide for Employers using Positive Action in Recruitment and Promotion](#)
- ▶ [Addleshaw Goddard's up-to-date publication on the abolition of the Default Retirement Age](#)

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## News on 7 April 2011

A report on the Bribery Act Guidance; a Court of Appeal case on the effective date of termination following a payment in lieu of notice (*Societe Generale v Geys*); and the draft Guidance to the Agency Workers Regulations.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [The Bribery Act 2010 Guidance](#)
- ▶ [Addleshaw Goddard's up-to-date publication on the Bribery Act](#)
- ▶ [Société Générale, London Branch v Geys \(COA\)](#)
- ▶ [BIS website for link to Draft Agency Worker Regulations Guidance](#)

**WATCH THE VIDEO**

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## News on 28 April 2011

A report on the use of social media at work and when it becomes a disciplinary offence (*Preece v Wetherspoons*) and the *Eversheds v De Belin* case where a woman on maternity leave was treated more favourably in a redundancy situation.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Preece v JD Wetherspoons plc ET/2104806/10, 2 February 2011](#) ([www.practicallaw.com/6-505-8064](http://www.practicallaw.com/6-505-8064)).
- ▶ [Eversheds Legal Services Ltd v De Belin](#)

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## News on 5 May 2011

The EAT case of *Breakwell v West Midlands Reserve Forces' and Cadets' Association* involving a paid volunteer who was found not to be protected by discrimination law (with comment from Kate McGough, Managing Associate);

The *McKie v Swindon College* case reminding us that employers can be liable to former employees for damages for negligent misstatement when communicating with new employers (with comment from Kate McGough, Managing Associate);

The revised Government guidance on matters to be taken into account in determining whether an individual is disabled.

### Supporting material

- ▶ [Breakwell v West Midlands Reserve Forces' and Cadets' Association \(EAT\)](#)
- ▶ [McKie v Swindon College \(QBD\)](#)
- ▶ [Equality Act disability guidance](#)

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## News on 12 May 2011

Can an employer rely on surveillance material when disciplining employees (*Pacey v Caterpillar*)?; is a belief in the “higher purpose” of public service broadcasting protected by discrimination law (*Maistry v BBC*)?; the Agency Worker Regs Guidance.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Pacey v Caterpillar Logistics Services \(UK\) Ltd \(ET\)](#)
- ▶ [Maistry v BBC](#)
- ▶ [Addleshaw Goddard's up-to-date publication on philosophical beliefs and the Nicholson v Grainger guidelines](#)
- ▶ [Agency Worker Guidelines](#)

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## News on 19 May 2011

A report on a Court of Appeal case on how to calculate an employee's future losses in discrimination claims (*Wardle v Credit Agricole Corporate & Investment Bank*) with comment from Kate Edminson, Associate;

The Government's recent proposals regarding changes to employment law including the Modern Workplace Consultation;

Addleshaw Goddard's Apprentice Watch – an update on employment law issues arising out of The Apprentice show.

## Supporting material

- ▶ [Programme Script](#)
- ▶ [Wardle v Credit Agricole Corporate & Investment Bank \(CA\)](#)
- ▶ [Next steps in review of Employment Law, BIS, 11 May 2011](#)
- ▶ [Modern Workplaces Consultation, BIS](#)
- ▶ [The Apprentice 1 Advice on how to manage performance](#)
- ▶ [The Apprentice 2 Is poking fun at a colleague's accent a form of discrimination?](#)

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## News on 27 May 2011

An appeal decision on the procedural requirements for retirement notices under the now repealed Age Regulations which has a potentially significant impact on employers (*Bailey v R & R Plant (Peterborough) Ltd (EAT)*) with comment from Sinead Jones, Associate;

Guidance on when an employer is obliged to review redundancy scores (*Dabson v David Cover & Sons (EAT)*);

A report on the circumstances when an out of time tribunal claim will be accepted (*John Lewis Partnership v Charman (EAT)*).

## Supporting material

- ▶ [Programme Script](#)
- ▶ [Bailey v R & R Plant \(Peterborough\) Ltd \(EAT\)](#)
- ▶ [Dabson v David Cover & Sons \(EAT\)](#)
- ▶ [John Lewis Partnership v Charman \(EAT\)](#)

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## News on 2 June 2011

How to deal with a request by an employee for time off for religious reasons - *Cherfi v G4S Security Services Ltd (EAT)* (with comment from Karen Fletcher, Associate).

A recent case where a Sikh employee lost his claim to wear a knife to work – *Dhinsa v Serco and another (ET)*.

Withholding an absent employee's salary who is remanded in custody - *Burns v Santander UK plc UK (EAT)*.

## Supporting material

- ▶ [Programme Script](#)

- ▶ [Cherfi v G4S Security Services Ltd \(EAT\)](#)
- ▶ [Dhinsa v Serco and another \(ET\)](#)
- ▶ [Burns v Santander UK plc UK \(EAT\)](#)

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## News on 9 June 2011

What constitutes a “course of conduct” under the Protection from Harassment Act 1997 (*Marinello v City of Edinburgh Council*) (with comment from Kate McGough, Managing Associate);

A reminder of recommendations for employers in advance of The Bribery Act coming into force on 1 July (with comment from Helen Corbett, Associate);

Should legal professional privilege be extended to advice given by non-lawyers? An update on the *Prudential v Special Commissioner of Income Tax* case.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Marinello v City of Edinburgh Council](#)
- ▶ [Bribery Act 2011 – Adequate Procedures Guidance](#)
- ▶ [Law Society update on Prudential v Special Commissioner of Income Tax case \(COA\)](#)

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## News on 23 June 2011

A High Court ruling on when a uniform policy is discriminatory plus recommendations for employers when reviewing/producing uniform policies (*SG v St Gregory Catholic Science College*)(with comment from Sinead Jones, Associate).

The extent of the Tribunal’s discretion when making costs awards and whether a Claimant’s ability to pay should be taken into account (*Mirikwe v Wilson & Co Solicitors and others*).

An introduction to the Employment Team’s new quarterly e–alert on European Employment Law Developments.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [SG v St Gregory Catholic Science College](#)
- ▶ [Mirikwe v Wilson & Co Solicitors and others](#)
- ▶ [Addleshaw Goddard European Employment Update E-alert](#)

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### News on 1 July 2011

A report on social media in the workplace, including recommendations for social media policies and an update on case law.

#### Supporting material

- ▶ [Programme Script](#)
- ▶ [Preece v JD Wetherspoon PLC \(ET\)](#)
- ▶ [Gosden v Lifeline Project Ltd \(ET\)](#)

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### News on 7 July 2011

Two recent EAT cases providing clarity on some key concepts under the collective redundancy consultation regime (*Phillips v Xtera Communications Ltd & Independent Insurance Co Ltd v Aspinall & Anor*), (with comment from Sally Hulston, Managing Associate).

The scope of reasonable adjustments when using redundancy selection criteria (*Lancaster v TBWA Manchester*).

A Court of Appeal case on whether discussing an individual's sexuality could constitute harassment (*Grant v HM Land Registry*).

#### Supporting material

- ▶ [Programme Script](#)
- ▶ [Phillips v Xtera Communications Ltd \(EAT\)](#)
- ▶ [Independent Insurance Co Ltd v Aspinall & Anor \(EAT\)](#)
- ▶ [Lancaster v TBWA Manchester \(EAT\)](#)
- ▶ [Grant v HM Land Registry \(COA\)](#)
- ▶ [Equality Act 2010 Code of Practice: Employment](#)

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### News on 14 July 2011

A Supreme Court decision about whether a public sector employee can bring a lawyer to a disciplinary hearing (*R (on the application of G) v Governors of X School*) (with comment from Victoria Bell, Associate).

An Employment Appeal Tribunal decision concerning an employee who was dismissed for refusing to take a pay cut (Garside and Laycock Ltd v Booth).

The Advocate General's opinion regarding carrying over holiday and holiday pay during long term sick leave.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [R \(on the application of G\) v Governors of X School \(Supreme Court\)](#)
- ▶ [Garside and Laycock Ltd v Booth \(EAT\)](#)
- ▶ [Advocate General opinion on holidays and sickness absence](#)

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## News on 21 July 2011

Can an employee be dismissed fairly for refusing to take a pay-cut? A report on the EAT decision in Garside & Laycock Ltd v Booth (with comment from Stefan Brochwicz-Lewinski, Counsel for the Appellant, 9 St John Street Chambers).

An important EAT decision limiting the ability of Tribunal Judges to strike out unfair dismissal claims at a pre-hearing review – Reilly v Tayside Public Transport Co Ltd (EAT) (with comment from Stefan Brochwicz-Lewinski).

Manager on long term sick awarded £400,000 for disability discrimination when dismissed after five months of absence (Jones v Jewson (ET)).

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Garside and Laycock Ltd v Booth \(EAT\)](#)
- ▶ [Reilly v Tayside Public Transport Co Ltd \(EAT\)](#)
- ▶ [Report on Jones v Jewson \(ET\)](#)

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## News on 28 July 2011

A report on a Supreme Court ruling that unfair dismissal rights extend to teachers abroad (Duncombe v SoS for Children, Schools and Families);

an ECJ ruling considering what amounts to a legitimate aim when setting a retirement age (Fuchs v Land Hessen);

the CBI report on Thinking Positive: the 21st century employment relationship

### Supporting material



- ▶ [Programme Script](#)
- ▶ [Duncombe and ors v Secretary of State for Children, Schools and Families \(SC\)](#)
- ▶ [Fuchs and Köhler v Land Hessen \(ECJ\)](#)
- ▶ [Addleshaw Goddard Employment Up-to-date e-alert on the Fuchs and Kohler v Land Hessen judgement](#)
- ▶ [CBI report on Thinking Positive: The 21st century employment relationship](#)

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### News on 4 August 2011

A report on a Supreme Court ruling which confirms that contract terms can be set aside to reveal the true agreement of the parties (*Autoclenz Ltd v Belcher and Others*).

An Employment Appeal Tribunal decision where an employee was dismissed fairly for making a mistake, even where the mistake had no major consequences (*Wincanton plc v Atkinson and another*).

ACAS guidance on how to best manage employees during the Olympics.

#### Supporting material

- ▶ [Programme Script](#)
- ▶ [Autoclenz Ltd v Belcher and Others \(SC\)](#)
- ▶ [Addleshaw Goddard's up-to-date report on the Autoclenz case](#)
- ▶ [Wincanton plc v Atkinson and another \(EAT\)](#)
- ▶ [ACAS guidance on managing staff during the Olympics](#)

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### News on 11 August 2011

An Employment Appeal Tribunal decision which is a helpful reminder about suitable alternative roles in a redundancy situation (*Bird v Stoke-on-Trent*) (with comment from Ed Gregory, Associate).

Advice for employers and employees affected by the recent riots in many of the major cities across the UK.

A recent decision confirming that an employee on long term sick leave is entitled to receive holiday pay on termination even if they fail to request holiday (*NHS Leeds v Larner* (EAT)).

#### Supporting material

- ▶ [Programme Script](#)
- ▶ [http://www.bailii.org/uk/cases/UK/EAT/2011/0074\\_11\\_2107.html](http://www.bailii.org/uk/cases/UK/EAT/2011/0074_11_2107.html) *Bird v Stoke-on-Trent Primary Care Trust* (EAT)
- ▶ <http://www.acas.org.uk/index.aspx?articleid=3418> *Acas advice for employers and employees affected by riots*

▶ [http://www.bailii.org/uk/cases/UKCAT/2011/0088\\_11\\_2907.html](http://www.bailii.org/uk/cases/UKCAT/2011/0088_11_2907.html)NHS Leeds v Larner (EAT)

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## News on 18 August 2011

An Employment Appeal Tribunal decision confirming an employee's termination date when they are summarily dismissed during their notice period (M-Choice UK Ltd v Aalders) (with comment from Rebecca Eeley, an Employment Law Barrister at 9 St John Street Chambers.)

Can a belief that the 9/11 and 7/7 terrorist attacks were part of global conspiracy be capable of protection under discrimination law? (Farrell v South Yorkshire Police Authority (ET) (with comment from Rebecca Eeley).

The Government's recent steps to encourage more women into the boardroom.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [M-Choice UK Ltd v Aalders \(EAT\)](#)
- ▶ [Farrell v South Yorkshire Police Authority \(ET\)](#)
- ▶ [Home Office Press Release re Government's letter to companies on boardroom diversity](#)

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## Misconduct Dismissals – Practical Guidance – 24 August 2011

Practical advice and guidance on dealing with misconduct disciplinary and dismissal procedures (featuring Sally Hulston, Managing Associate at Addleshaw Goddard).

### Supporting material

- ▶ [Programme Script](#)
- ▶ [ACAS Code of Practice on Disciplinary and Grievance Procedures](#)
- ▶ [ACAS Guide](#)

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## News on 8 September 2011

An Employment Tribunal case raising the issue of whether an individual's caste is covered by UK discrimination law (*Begraj v Heer Manak Solicitors*) (with comment from Carly Mather, Associate).

An Employment Appeal Tribunal decision clarifying the law around whether an employee absent without leave can be deemed to have resigned (*Zulhayir v JJ Food Service Ltd*) (with comment from Carly Mather, Associate).

An update on the first prosecution under the Bribery Act 2010.

### Supporting material

- ▶ [Programme script](#)
- ▶ [Legal opinion in People Management by Emma Whiting \(Employment Partner at Addleshaw Goddard\) on caste discrimination](#)
- ▶ [Zulhayir v JJ Food Service Ltd](#)
- ▶ [Addleshaw Goddard "up-to-date" email bulletin on Zulhayir v JJ Food Service Ltd](#)
- ▶ [CPS press release on Bribery Act prosecution](#)

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## News on 15 September 2011

A report on a recent Employment Appeal Tribunal decision which is a helpful reminder of the limits of an employer's duty to make reasonable adjustments (*Salford NHS Primary Care Trust v Smith*) (with comment from Nigel Grundy, Employment Law Barrister at 9 St John Street Chambers).

Review of the Employment Tribunal and Appeal Tribunal Statistics 2010-11 (with comment from Nigel Grundy).

Comment on the HMRC guidance for employers on how to deal with the provision of childcare benefits.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Salford NHS Primary Care Trust v Smith \(EAT\)](#)
- ▶ [Employment Tribunal and EAT statistics for 2010-11](#)
- ▶ [HMRC "How to help your employees with childcare".](#)

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## News on 22 September 2011

An EAT case involving an employee who was unfairly dismissed for working for a different employee whilst on sick leave (*Perry v Imperial College Healthcare NHS Trust*) (with comment from Chris McAvoy, Associate).

An EAT case where an employer successfully dismissed a number of its employees with a view to re-engagement on terms less favourable to the employer (*Slade v TNT* (UK)).

The Government's new Voluntary Equality Reporting Initiative for the private and voluntary sectors.

### Supporting material

- ▶ [Programme script](#)
- ▶ [Perry v Imperial College Healthcare NHS Trust \(EAT\)](#)
- ▶ [Slade v TNT \(UK\) \(EAT\)](#)
- ▶ [Government's Voluntary Equality Reporting Initiative – Think, Act, Report](#)
- ▶ [ACAS guidance on the Voluntary Equality Reporting Initiative](#)

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## Agency Worker Regulations – Practical Guidance – 3 October 2011

A discussion on the key features of the Agency Workers Regulations that came into force on 1 October 2011 (featuring Richard Yeomans, Partner and Sarah Harrop, Managing Associate).

### Supporting material

- ▶ [Addleshaw Goddard's Guidance Note on Agency Workers Regulations](#)
- ▶ [Addleshaw Goddard's Employment Group "up-to-date" e-alert on the Regulations](#)
- ▶ [BIS Agency Workers Regulations Guidance](#)

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## News on 13 October 2011

The Government's plans to increase the unfair dismissal qualifying period to two years and its proposals regarding the introduction of Tribunal fees (with comment from Dr Stephen Hardy, 9 St John Street Chambers).

An EAT case touching on the scope of reasonable adjustments in disability discrimination cases (*Cordell v Foreign and Commonwealth Office*) (with comment from Dr Stephen Hardy).

An update on the employment law phase of the Government's Red Tape Challenge to simplify employment regulations.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Article from Department of Business, Innovation and Skills on the changes to the unfair dismissal rule](#)
- ▶ [Cordell v Foreign And Commonwealth Office \(EAT\)](#)

▶ [Government's Red Tape Challenge Website](#)

▶ [BIS discussion paper "Flexible, Effective, Fair: promoting economic growth through a strong and efficient labour market"](#)

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## Summary of Key Recent Employment Cases (October 2011)

A programme prepared for our October training day summarising key case law developments in 2011.

Supporting material

▶ [Programme Script](#)

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## News on 20 October 2011

Court of Appeal decision clarifying when dismissal notices can be retracted (*CF Capital v Willoughby*) (with comment from Sinead Jones, Associate).

A Tribunal decision where FSA compliance was deemed to be relevant to the question of employment status (*Johnson-Caswell v MJB (Partnership) Ltd*) (with comment from Sinead Jones, Associate).

An update on the Government's push for greater diversity in the boardroom.

Supporting material

▶ [Programme Script](#)

▶ [CF Capital v Willoughby \(EAT\)](#)

▶ [Cranfield School of Management's progress report on boardroom diversity – October 2011](#)

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## Introduction to Pensions Auto-enrolment – Six key questions – 28 October 2011

A report on the new duty on all employers to automatically enrol their workers into a pension scheme – the seven key questions for your business

Supporting material

▶ [Link to Pension Regulator website](#)

- ▶ [Pensions e-alert on autoenrolment](#)

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### News on 3 November 2011

A recent Tribunal decision where an employee was fairly dismissed for posting derogatory comments about its employer on Facebook (Crisp v Apple Retail (UK) Limited) (with comment from Mo Sethi, Devereux Chambers, who represented Apple Retail).

A Court of Appeal decision confirming the test for establishing whistleblowing detriment claims (NHS Manchester v Fecitt) (with comment from Mo Sethi, Devereux Chambers).

#### Supporting material

- ▶ [Programme Script](#)
- ▶ [Crisp v Apple Retail \(UK\) Limited](#)
- ▶ [ACAS Guide on Social Networking](#)
- ▶ [NHS Manchester v Fecitt \(COA\)](#)
- ▶ [Addleshaw Goddard's up-to-date e-alert on NHS Manchester v Fecitt](#)

## WATCH THE VIDEO

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### Giving Evidence in Tribunal – Practical Guidance – 10 November 2011

"How to be a Witness in an Employment Tribunal" – (Jamie Hamnett, Partner and Sally Hulston, Managing Associate, share their thoughts and experiences).

#### Supporting material

[Addleshaw Goddard Giving Evidence – A Guide for Witnesses](#)

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### News on 17 November 2011

The topical issue of whether it is appropriate to ban an employee from wearing a poppy as a mark of respect at work (Lisk v Shield Guardian Co Ltd and others (ET)) (with comment from Dave Rintoul, Associate).

An EAT decision commenting on whether a dismissal can be fair for a different reason to that relied on by the employer (Screene v Seatwave Ltd) (with comment from Dave Rintoul, Associate).

A Tribunal decision where an employee was dismissed fairly after dressing inappropriately during an X Factor audition.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [Lisk v Shield Guardian Co Ltd and others \(ET\)](#)
- ▶ [Screeve v Seatwave Ltd \(EAT\)](#)

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## News on 24 November 2011

An update on the ECJ decision on carrying over holidays during periods of long term sick leave; a Court of Appeal decision on holiday pay during sick leave; comment on the current trends and issues in the Tribunal following recent user group meetings.

### Supporting material

- ▶ [Programme Script](#)
- ▶ [KHS AG v Schulte \(ECJ\)](#)
- ▶ [Fraser v South West London St George's Mental Health Trust \(COA\)](#)

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## News on 1 December 2011

A report on the Government's wide-ranging plans for employment law reform (with comment from James Buckley, Associate).

### Supporting Material

- ▶ [Programme Script](#)
- ▶ [Reforming employment relation: Vince Cable's speech to the EEF](#)
- ▶ [Call for evidence: TUPE](#)
- ▶ [Call for evidence: Collective redundancy](#)
- ▶ [Resolving Workplace Disputes: Government response to the consultation](#)
- ▶ [Fundamental review of Employment Tribunals Rules. Draft Terms of Reference](#)

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## News on 12 December 2011

Out of time equal pay claims can proceed in the High Court (*Birmingham City Council v Abdullah*); an EAT where an employee failed to mitigate by refusing to accept a different job with same employer; changes to the pensions auto-enrolment provisions.

### Supporting Material

- ▶ [Programme Script](#)
- ▶ [Birmingham City Council v Abdulla and others \(COA\)](#)
- ▶ [Debique v Ministry of Defence \(EAT\)](#)
- ▶ [Addleshaw Goddard's up-to-date report on changes to Pensions Auto-enrolment](#)

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## News on 19 December 2011

ACAS Guidance on winter workplace issues; a High Court case ruling on confidentiality injunctions (*Caterpillar Logistics v Huesca de Crean*); an EAT case reminding us about marriage discrimination (*Dunn v Institute of CCM*)

### Supporting Material

- ▶ [Programme Script](#)
- ▶ [ACAS Guide on Winter Workplace Issues](#)
- ▶ [Caterpillar Logistics Services \(UK\) Ltd v Huesca de Crean \(HC\)](#)
- ▶ [Dunn v Institute of Cemetery and Crematorium Management \(EAT\)](#)

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# 2010 PROGRAMMES

## Redundancy Selection Pools – 2 December 2010

A report on the recent case of *Fulcrum Pharma (Europe) Ltd v Bonassera* where the EAT held that an employer's failure to consult on a redundancy pool was unfair.

### Supporting material

- ▶ [Programme script](#)
- ▶ [Addleshaw Goddard "up to date" publication](#)

### Case judgements

- ▶ [Fulcrum Pharma \(Europe\) Ltd v Bonassera](#)
- ▶ [Lionel Leventhal Ltd v North](#)

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## Belief in spiritualism protected under equality laws – 15 December 2010

An analysis of the case of *Power v Greater Manchester Police*. We look at the hurdles an employee needs to overcome before winning a discrimination claim and whether a belief in spiritualism can be capable of protection against discrimination.

### Supporting material

- ▶ [Programme script](#)
- ▶ [Addleshaw Goddard "up to date" publication on Power v Greater Manchester Police](#)
- ▶ [Addleshaw Goddard "up to date" publication on Grainger v Nicholson](#)

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## UK Immigration Points System – 16 December 2010

A review of the most significant proposed changes to the UK Immigration points system to take effect in April 2011.

### Supporting material

- ▶ [Programme script](#)
- ▶ [Addleshaw Goddard "up to date" publication](#)
- ▶ [Announcement from UK Border Authority](#)

## News on 22 December 2010

Trend in reasonable adjustment cases; bonus and PILON clauses in *Locke v Candy and Candy*; new compensation rates in Feb 2011

### Supporting material

- ▶ [Programme script](#)
- ▶ [Addleshaw Goddard "up to date" publication on the Hinsley and Cordell cases](#)
- ▶ [Addleshaw Goddard "up to date" publication on \*Locke v Candy & Candy\*](#)

### Case Judgements

- ▶ [Hinsley v Chief Constable of West Mercia Constabulary](#)
- ▶ [Yorkshire Housing v Cuerden](#)
- ▶ [Locke v Candy and Candy Limited](#)

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