

EMPLOYMENT NEWSLETTER – AUGUST 2017

Welcome to the latest edition which includes some details of important developments in employment law, which will have a big impact this summer. If there is anything in particular you would like to know more about, please do let the employment team know.

Employment tribunal fees

A much anticipated judgment from the Supreme Court handed down on 26 July 2017 has the immediate consequence that the issue fee of £250 or £160 required to file a claim with the employment tribunal is no longer payable.

The fees were implemented with effect from 29 July 2013 and further details are still awaited regarding the process for obtaining a refund.

Cycle Courier was a worker

In another case regarding employment status, an employment tribunal considered whether a cycle courier for Addison Lee was genuinely in business on his own account as a self-employed independent contractor. The tribunal found that in reality he was personally obliged to perform work for the company and was under the company's control and therefore he was a worker and entitled to the associated benefits, such as holiday pay.

This case is another reminder that the working arrangements in the "gig economy" are under scrutiny and the tribunals will impose a different relationship to that set out by the contractual documentation. If your business uses independent contractors, please review the situation and consider taking some legal advice if you have any doubts about their status.

Holiday Pay & voluntary overtime

Should voluntary overtime that is regularly worked be included in the calculation of "normal remuneration" for the purposes of calculating holiday pay?

Yes confirmed the Employment Appeal Tribunal in a recent case against Dudley Borough Council. There have been various decisions in recent years regarding which payments should be included when calculating the holiday pay due to employees and this case is a reminder that the employees should not be financially worse off as a result of taking annual leave. The salary that they receive during the period of leave should take account of all the payments they would usually receive when they are working.

Error! Unknown document property name.

If you are responsible for HR matters within your business (or interested in employment law discussion), please contact us to attend the monthly HR Exchange with Julie Taylor from GL and Michelle Bailey from People Essentials. The next Newbury meeting is on Monday 18 September 2017 at 5pm.

By Julie Taylor, Senior Associate in Employment