



Ian Temple



Lauren Jackson



Deborah Prance



June Hood



Kate Middleton



Simon Groves

The Business & Employment Teams at Brooks & Partners.

Staff Planning and the Royal Wedding

Many employees jumped for joy at the announcement that the Royal wedding on 29th April would be a public holiday. However, whether the day is an additional day's holiday and will depend upon the wording of the employee's contracts of employment. For instance, an entitlement to 20 days plus public holidays will give an additional days holiday entitlement whereas 28 days including public holidays will not.

Many employees will also try to take 26th, 27th and 28th April off as holiday enabling them to be out of the workplace for 11 whole days. This is because Good Friday, Easter Monday and the May Bank Holiday are in close proximity. However,

generally, employees must give twice as much notice of a proposed holiday as the length of the holiday requested. i.e. six days notice must be given to take three days holiday.

There is also no obligation to grant holiday requests. Having all staff out of the office for an eleven day period is likely to have a significant effect on the business and it is likely that only employees who put their requests in early will have their requests granted.

Of course you may give employees the day off despite the strict legal position. However, if you do not give your staff the day off, you should keep a close eye on those attempting to pull a strategic 'sickie' on the day!!!

Homophobic Banter Ruling

The Court of Appeal last year held that a heterosexual employee who was subjected to homophobic banter could, in principle, bring a claim against his employer for sexual orientation harassment.

Since the ruling, the Employment Appeal Tribunal has confirmed the decision of the Employment Tribunal that the employer had not allowed the creation of an intimidating, hostile, degrading, humiliating or offensive environment.

This was partly because the employee had remained friendly with his tormentors throughout and had himself written a number of articles which were "riddled with sexist and ageist innuendo".

Fox Hunting & Discrimination

An employment tribunal has held that a genuine and fervent belief that fox hunting and hare coursing are immoral can constitute a philosophical belief which is capable of protection under the Employment Equality (Religion and Belief) Regulations 2003 (now subsumed within the Equality Act 2010).

Philosophical beliefs will only be actionable if they have "sufficient cogency, seriousness, cohesion and importance and are worthy of respect in a democratic society."

A gardener who was allegedly dismissed for his animal rights beliefs by his pro-hunting employer has been allowed to bring a substantive discrimination claim.

Disclaimer

The contents of this newsletter do not constitute legal advice and are provided for general information purposes only. Brooks & Partners shall not be liable for any technical or other errors within the information provided.

Commercial Department members:

Legal Team:

Ian D Temple
Lauren Jackson
Deborah Prance
June Hood
Kate Middleton
Simon Groves

Support Team:

Carol Mapp
Janet England
Andrea Tucker
Mandy Gunner
Vickie Frith

Frimley Office:

Lyons House, 2 Station Road
Frimley, Surrey GU16 7JA

Telephone: 01276 681217

Facsimile: 01276 691290

law@brooks-partners.co.uk

www.brooks-partners.co.uk

Kate Middleton on Employment Issues



Flexible Working Extension Cut

The Government has scrapped the proposed April extension to allow flexible working for parents with children up to the age of 18. However, parents will still be able to make flexible working requests to accommodate children under 17, disabled children under 18 and certain carers of adults.

The extension would have benefited approximately 300,000 eligible employees but was abolished as part of the Government's drive to cut red tape.

The Government intends to audit a further 22,000 statutory instruments with a review to removing overly burdensome regulations.

Habitual Place of Work

A German lorry driver who delivered goods around Europe but principally made deliveries in Germany and who lived in Germany was held to 'habitually' work in Germany entitling him to protect his employment rights in the German courts. This was despite the fact that his employer was based in Luxembourg and his contract of employment was governed by Luxembourg law.

Sickness & Absence Policy Unfair

The Employment Appeal Tribunal has held that Northern Foods Grocery Group Ltd unfairly dismissed an employee who took a large amount of sickness absence when it mistakenly failed to apply its detailed and prescriptive sickness absence policy to the letter.

The Employment Appeal Tribunal took into account the size and administrative resources of the Company and the fact that it had a sizeable human resources department that should have noticed the procedural error.
