

This Week in Employment Law

EAT Rules Addison Lee Drivers Are ‘Workers’

In yet another case involving the gig economy it has been held that drivers for the taxi firm Addison Lee are ‘workers’ and not self-employed. Below is a round up of the key facts of this case:

- Addison Lee tried to argue that their drivers were self-employed as they controlled their working hours themselves by logging in and out of the driving app.
- However, the employment appeal tribunal (EAT) decided a number of other factors showed Addison Lee had control over their workers which created an ‘overarching worker contract’.
- Drivers had to abide by a dress code, pay a fixed cost for hiring company vehicles, were unable to reject jobs once assigned to them or send someone else to carry out the job on their behalf.
- This meant the drivers were entitled to minimum wage and holiday pay as workers.
- It is expected that thousands of current and former Addison Lee staff will now seek to claim compensation from the company.
- This shows the importance of ‘control’ in assessing employment status and reminds employers to look past contracts into the true nature of their contractual relationship, as any tribunal is sure to do the same.

Airline ‘unfairly dismissed’ pilot with a fear of flying

An employment tribunal (ET) found that Flybe unfairly dismissed a pilot who had developed a fear of flying. When the pilot, who had over 7 years’ service, began experiencing panic attacks the airline did not attempt to find any alternative employment and dismissed him without carrying out the correct procedure.

Did you know?

Employers should follow the correct procedure when dealing with medical capability. Before dismissing, they need to show that they have looked at making any reasonable adjustments to the workplace, including a change in job role, that could help the individual return to work.

Onion peeler ‘unfairly dismissed’ over glaucoma

An industrial tribunal in Northern Ireland has found that a food preparation company unfairly dismissed an employee who was unable to peel onions on account of her glaucoma. The firm failed to follow medical advice which suggested she could continue to work providing her duties were altered and adjustments were made.

Did you know?

Although this case relates to Northern Ireland it is another warning to UK employers of the need to consider reasonable adjustments when medical issues prevent employees from being able to carry out their usual work duties.

TUC calls for more rights for night-workers

A report by the TUC has called for greater protections and entitlements for night-shift staff. The union argues that the current provisions in place for night-workers do not go far enough and that pay should be increased to help workers deal with any additional childcare costs or inconveniences that are created.

Did you know?

There is no law in place that says night-workers should be paid more than day-time staff. However, employers are obliged to provide free health assessments to night-workers at regular intervals to see if the work is causing any problems for their health.

Understanding employment status can be tricky; it is vital that the written contract represents the reality of the working relationship otherwise a tribunal may hold its terms invalid. For any questions regarding employment status, or the legal entitlements of your staff, call our 24 hour Advisory Service.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.