

This Week in Employment Law

New Ruling Outlines Holiday Entitlements for Term Time Employees

The Court of Appeal have outlined how employers should manage holiday entitlements for term time zero-hours employees. Join us as we examine this case in more detail, as this could have a significant impact on other employers who use 'part year workers':

- The case involved a music teacher who was permanently employed to work only during term time, and even then did not work in every week; only when there were pupils to be taught. This generally amounted to 32-35 weeks per year.
- Her holiday pay was calculated at the rate of 12.07% of the wages earned in that term, which would be equal to the entitlement of a full year worker.
- However, she argued a week's holiday pay ought to be determined by calculating the average pay received over the 12 weeks prior to the payment.
- The Court of Appeal agreed with this, applying the provisions of the Employment Rights Act 1996.
- This means part year workers may well receive more than 12.07% of their pay as holiday pay, putting them in a more favourable position than full time staff. However, the Court acknowledged that this was not 'unfair'.
- Those with permanent term time zero hour employees should review holiday leave and pay calculations, whilst remembering that the holiday pay calculation period will increase from 12 to 52 weeks from April 2020.

Online petition calls for pet bereavement leave

A part-time employee was dismissed from her role in a Glasgow sandwich shop after being unable to attend work due to the death of her family dog. She has since created a petition calling for the right to bereavement leave to be introduced following the death of a pet.

Did you know?

There is no requirement to offer employees time off for bereavement leave following the loss of a pet. However, more considerate employers may offer some flexibility in these situations, perhaps by approving annual leave requests on short notice, in recognition of the impact this can have on an employee's wellbeing.

'Gay cake' case appealed to the Supreme Court

The long running 'gay cake' case in which a Christian bakery in Belfast refused to produce a cake that featured the slogan 'Support gay marriage' is set to continue after the European Court of Human Rights have agreed to hear an appeal to the earlier decision.

Did you know?

This case made headlines in 2018 after a landmark decision relating to the interpretation of the Equality Act 2010. Even not related to employment, this case raises some interesting principles which could also be applied to employee issues in the workplace.

Salmond awarded pay-out for flawed HR procedure

Former First Minister Alex Salmond has received over £500,000 in legal costs from the Scottish Government after a flawed HR investigation into allegations of sexual harassment, which included appointing an investigating officer with prior involvement in the case.

Did you know?

Following the correct procedure is essential to ensure workplace investigations are fair and reliable. Failing to do so could render any disciplinary dismissal unfair, and result in costly compensation payouts, even if the individual was responsible for any alleged misconduct.

We know that for many, calculating holiday entitlements can be difficult at the best of times, especially when it comes to zero-hours employees. Therefore, if you are looking for expert guidance when it comes to holiday entitlement and pay, give Croner our expert 24 Hour Advisory Service a call.

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