

EMPLOYMENT LAW BULLETIN – JANUARY 2006

RECENT CASES

COURT OF APPEAL

Unfair dismissal: fair to dismiss due to personality

Perkin v. St George's Healthcare NHS Trust (2005)

The Court of Appeal decided that an employee's personality could not itself be a reason to dismiss but an employee's personality may manifest itself in such a way as to amount to conduct of a kind to give a potentially fair reason to dismiss or the personality could amount to Some Other Substantial Reason entitling the employer to dismiss.

EMPLOYMENT APPEAL TRIBUNAL

Redundancy consultation

Leicestershire County Council v. Unison

A proposal to dismiss employees as redundant is enough to trigger the duty to consult with a union / elected representatives if it is a collective redundancy. The duty consult occurs when the employer proposes to dismiss as redundant 20 or more employees at one establishment within 90 days or less. The duty arises when there is something less than a decision and more than a possibility such as when the proposal to dismiss as redundant goes to a committee for a decision as to whether to go ahead with the plan.

LEGISLATIVE CHANGES

Civil Partnerships

The law allowing two non related unmarried adults of the same sex to register a civil partnership which has the same rights and responsibilities as marriage came into being in December 2005. The new law means that if employers provide benefits to married employees such as survivor pensions, flexible working, paternity pay/leave, health insurance for spouses, then the same benefits must be provided to employees who are civil partners.

Increase in compensation Limits

In respect of dismissal taking place on or after 1st February 2006 the maximum weekly wage to be taken into account when calculating redundancy and the basic award if unfair dismissal shall rise from £280 to £290 per week. The maximum compensatory award for unfair dismissal will rise from £56,800 to £58,400.

Working Time Directive review

On 8th / 9th December 2005 there was a meeting of the multi-national EC employment, social policy, health and consumer affairs council in Brussels to review the "individual opt out clause" which allows workers to opt out of the maximum 48 hour week. It was hoped to decide what to do about it as many other countries believe it defeats the object and want the ability to opt out changed or removed but no agreement was reached so for the moment the ability to opt out remains unchanged.

Employment Law Tea Time Briefings and Update Seminar.

Don't forgot to book your place at these informative events taking place during January and February 2006.

The Employer and The Family – Thurs 19th Jan. Discipline and Grievance Procedures Revisited – Thurs 26th Jan.

Stress Solutions – Tues 21st Feb. All 3 events are **FREE OF CHARGE** @ 5.45-7.15pm at our Thurrock office.

Employment Law Update Seminar – Tues 28th Feb @ Club Kingswood, Basildon @ 7.30-9.00am (£20 fee).

CONTACT ANDREA REES TO BOOK YOUR PLACE. TEL 01268 240000 E-MAIL: arees@palmerslaw.co.uk

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