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Annual Case Review
2019



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Equal Pay



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Injury to feelings



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Discrimination



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Holiday Pay



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Holiday Pay

1. A series of unlawful deductions is not broken by a gap of 3 months or more between deductions.
2. The 4 weeks leave under the Working Time Directive is not used up first in a leave year and forms part of a "composite whole".
3. Reference periods for calculating 'normal remuneration' may vary.
4. What constitutes normal remuneration?
5. Calculate holiday pay based on working days not calendar days.

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Harassment/Unfair dismissal



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Harassment/Unfair dismissal

- How does an employer deal with an allegation of sexual misconduct or harassment where the complaint is 1 person's word against another?
- What other evidence might an employer take into account in relation to the conduct and creditability of individuals involved when assessing whether disciplinary action is warranted?

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Harassment/Unfair dismissal

- The perils of victim blaming in the #metoo era
- Evidential issues to be considered if an alleged aggressor seeks to discredit the character of an alleged victim
- What constitutes a "serial accuser".

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Redundancy



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Redundancy

- The need for structured decision making in relation to a redundancy pool, selection criteria, the consultation process and compliance with the statutory dismissal procedure.
- Is a redundancy policy necessary?

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Redundancy

- The duty to explore and consider suitable alternative employment – how far does the duty go, does it extend to the notice period post dismissal?
- In what circumstances can an 'at risk' employee be required to apply for an alternative role?
- 'At risk' employees on maternity leave – additional considerations.

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