

Employment and Immigration Update

July 2022



Introduction

This month we have finally had the long-awaited Supreme Court decision in the case of *Harpur Trust v Brazel*, which deals with the calculation of holiday pay for part-year (including term-time only), permanent employees and workers. The Court has confirmed that holiday pay for such individuals should not be pro-rated according to the proportion of the year actually worked.

We look at a recent Employment Appeal Tribunal on the application of the Acas Code of Practice on disciplinary and grievance procedures to a 'sham' redundancy, resulting in a 25% uplift to the compensation awarded. In addition, we report a Court of Appeal decision on whether the High Court was correct in granting an injunction to prevent Tesco from 'firing and rehiring' some of its employees.

There have also been two interesting recent decisions on the tricky issue of competing beliefs relating to transgender rights in the workplace, which we review to see what the implications are for employers.

In our 'quick fire' items this month, we highlight two Private Members' Bills, which will bring into effect some of the measures from the 'missing' Employment Bill, as well as the Government's response to last year's independent report on menopause and the workplace. We also report on the change to the rules relating to the use of agency staff during strike action, which is now in force.

Make sure you take a look at the details of our forthcoming 'Employment Law Essentials for HR' course, which is due to start in September. This course has received excellent feedback from current delegates, and will benefit anyone with HR responsibilities. [Contact Sam Greenhalgh](#) if you have any questions or would like to find out more about the course.

Finally, [Sacha Woolridge](#) provides an overview of all the latest visa updates.



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Featured articles

Harpur Trust

The Supreme Court's decision regarding leave entitlement for an employee working part of the year.

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Acas Code and sham redundancy

The EAT has considered whether the 25% uplift for failing to follow the Acas Code applied to a discriminatory dismissal.

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Transgender rights in the workplace

The fine balancing act for employers when dealing with the issue of transgender rights in the workplace.

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'Fire and Rehire' injunction overturned

Protecting Tesco's employees contractual entitlement to enhanced pay.

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Quick fire news items

[Liz Stevens](#) provides a 'quick fire' overview of employment news items for July 2022

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Shaping Excellence

Employment Law Essentials for HR Professionals - Book for September 2022

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Immigration Monthly Update – July 2022

[Sacha Woolridge](#) gives an overview of this month's visa and immigration updates.

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