

Employment Newsletter

YOUR WEEKLY BULLETIN OF WIT AND WONDER



MISSMONIKERED?

Would our stars have made it with their lumpy old handles..?



AGENCY ANGST

A furloughed temp wins (modestly) in tribunal.



A SLICE OF LOCKDOWN COMFORT

Hawaiian, Meatfeast or Pepperoni... it was a blast while it lasted...

A NAME FOR FAME

Q: What do Eileen Edwards, Thomas Woodward, Julie Smith and David Jones all have in common?

A: None of them was happy with their name. They all changed it.

Eileen Edwards is better known these days as Shania Twain. Thomas Woodward is now Tom Jones, Julie Smith became Julianne Moore and David Jones found fame as David Bowie.

How do I know this? Because I've just completed a *Yahoo!* trivia quiz on the original names of some of our biggest stars. It made me wonder how the poor parents of these stars felt when the names they had lovingly bestowed on their babies were thrown aside like used hankies as soon as fame came a-knocking.

To be fair, though, nobody could have expected Elton John to make it under the name Reg Dwight. But I think Michael Caine would have been fine if he'd stuck with Maurice Micklewhite.

You're all doing the line now, aren't you...? Checking it out. 'My name... is Maurice Micklewhite.' I think it still works!



But the others? Maybe not. Could *my* name have been lit up on the front of a cinema? Yes. Why not? I can picture it now... SARAH WHITEMORE & IDRIS ELBA star in this summer's most intense, action packed thriller...

TRIBUNAL

'It was a time of law...'

HOWARD ROBSON sounds like an established musical comedy performer to me - perhaps topping the bill at Chichester Festival Theatre this summer in OKLAHOMA! Meanwhile EMMA KEMP could be holding the centre stage at Glastonbury with her edgy retro folk-pop set. LOUISE BODEKER... a beloved soap actor who's just about to go on Strictly. AIMEE BROWN - grime rapper and massive social influencer.

MARTIN GILES - outspoken TV chef, GRACE KABASELE - outrageous Turner prize winning artist and SAM GRANT - supermodel who doesn't get out of bed for less than ten grand a day.

You see. Now that I've pointed these things out, the names all fit perfectly.

(I think I may have overdone it. They're all scrambling to get an agent now...)

What kind of fame does YOUR name set you up for? Who in your office has the best name for fame? Tell us over on the Facebook page. We're in no position to laugh...

FUN WITH FURLOUGH

The case of *Miss K Healy v Start People Limited 2021* is possibly the first of many which will involve furlough. In this case, the Employment Tribunal (ET) had to decide whether a staffing agency was required to pay holiday pay to a temporary worker who had been placed on furlough.

Miss Healy worked for Start People Limited, a staffing agency, from 25 February 2020 until her resignation on 31 July 2020. During her employment, she worked a single assignment from her start date until 24 March. At this time, the Government had announced the Coronavirus Job Retention Scheme (CJRS) and the end client asked the employer to place Miss Healy on furlough, which they did. Miss Healy never returned to her assignment and eventually resigned from her employer.

The employer paid Miss Healy her accrued holiday pay for the 20 days she worked, but did not pay her any holiday pay for the period after she was placed on furlough.

Miss Healy subsequently brought a claim against her former employer for unlawful deduction of wages.

The employer relied on Government guidance to justify not paying holiday pay to Miss Healy. This guidance read: *“Some agency workers on a contract for services may not be entitled to the accrual of holiday or to take holiday under the Working Time Regulations while on furlough because they are not workers or treated as workers under those regulations when between assignments or otherwise not working on assignments. Contracts may nevertheless include holiday provisions which will continue to operate in the same way as they did prior to the furlough period.”*

The employer argued that Miss Healy’s contract did not require her to be paid holiday pay between assignments and so they were not required to pay her holiday pay for the period she was furloughed.

The ET found that whether or not the employer was required to pay Miss Healy holiday pay between assignments was irrelevant. Judge Shore stated that the “key point is that furlough does not affect the terms of the worker’s contract,” and that because Miss Healy was placed on furlough, her assignment did not end. She therefore was not “between assignments” and continued to accrue holiday.

The ET found that Miss Healy had accrued 10 days’ holiday during the period of furlough and ordered the employer to pay her £650.

This case may provide some guidance to employers on how they should calculate holiday entitlement for furloughed agency workers. According to this case, if an agency worker is placed on furlough before the termination of their assignment, they will continue to accrue holiday the same as any other worker. However, this is a first instance decision and is not binding on future tribunals.



A PIZZA REACTION



The rise and fall of pizza delivery may be one of the defining stories of the past year and a half.

News this week on the BBC website is that thousands of pizza cooks and delivery drivers are returning to their pre-pandemic jobs and Domino’s now has a 5,000 shortfall of staff.

It’s been a rollercoaster for the pizza delivery giant, hasn’t it? Domino’s was one of the first winners when lockdown number one occurred. With virtually everything shut, it was suddenly a thrilling and slightly subversive treat to get online and order a pizza, to be delivered to your home by a MASKED STRANGER who would run away as soon as you opened your door.

It was a little bit like the Milk Tray advert from the 70s and 80s which some of us are old enough to remember. (And if you’re not, basically a bloke in black abseils or climbs into a woman’s flat and leaves a box of chocolates and a calling card and then goes. *It seems kind of creepy now...*)

But it’s one of the better memories from 2020, which will probably stay with many of us - like the garlic still wafting from the empty box the morning after. Thanks, Domino’s...

Peace of Mind

Do you want to save your business time and money, and reduce stress?

“A true class act; every company should have them on their speed dial!”

Contact us today on

023 8071 7717 or email peaceofmind@warnergoodman.co.uk to find out how **Peace of Mind** can help you.

Are you looking for us on Facebook?

If you haven't liked us already, follow the link below...



... And after liking us on Facebook, why not follow us on Twitter?



Sarah Whitmore
Partner
023 8071 7462



Howard Robson
Partner
023 8071 7718



Emma Kemp
Associate Solicitor
023 8071 7486



Natalie Rawson
Associate Solicitor
023 8071 7403



Louise Bodeker
Solicitor
023 8071 7448

DISCLAIMER

While every effort is made to ensure that the contents of these newsletters are up-to-date and accurate, no warranty is given to that effect and Warner Goodman does not assume responsibility for their accuracy and correctness. The newsletters are provided free of charge and for information purposes only. Readers are warned that the newsletters are no substitute for legal advice given after consideration of all material facts and circumstances by an experienced employment lawyer. Therefore, reliance should not be placed upon the legal points explained in these diaries or the commentary upon them.

UNSUBSCRIBE

If you do not wish to receive future editions of this newsletter, please simply reply to the e-mail and include the word "Unsubscribe". Click [here](#) to view our Privacy Policy on how we hold and process your data.

COPYING THESE DIARIES ON TO OTHERS

While the author retains all rights in the copyright to these newsletters, we are happy for you to copy them on to others who might be interested in receiving them on a regular basis. You are also welcome to copy extracts from the newsletters and send these on to others who may be interested in the content, provided we are referenced as the author when doing so.