

YOUR WEEKLY BULLETIN OF WIT AND WONDER



FROSTY RECEPTION

Do the youth still thrill to the icy Olympics?



TELL THEM TO GO AWAY

Why you need to send your staff on holiday...



SOME VINE ENTERTAINMENT

Radio 2's Jeremy selflessly brightens our day with a uniquely acquired black eye and mild concussion.

ICE, ICE, MAYBE

Sometimes, if I have the right kind of socks on, I can skate across the kitchen floor.

I like to do it with a little flourish of the hands, remembering the extra points I might score for elegant fingers before I grab a box of cornflakes. It's not exactly Torvill and Dean but, even so, that Bolero tune is often playing in my head.

As the Winter Olympics rolls on I consider taking a metal tea-tray up the local hill and sliding down the grass on a frosty morning. It's not exactly skeleton-bob, not even if I do it face-first, but it might be quite thrilling.

Am I the only person I know having these thoughts? It might be a generational thing. The Winter Olympics 2022 doesn't seem, despite its to-die-for BBC ice cube trailers, to be grabbing the youth the way it did back in 1984 when I was a teen and Torvill and Dean were making headlines all over the world.



Of course, back then there was a lot less to watch and only four channels to watch it on. Video was something you rented in plastic rectangle boxes from a shop around the corner and live streaming was something that happened when someone lost control of their garden hose while washing the Ford Cortina.

The way the games are covered today, with slick graphics depicting speed, length, height and depth up to the very microsecond of viewing, is stupendous.

Trouble is, there's far too much *else* that's stupendous too. In the multi-channel, box-set obsessed age, we are suffering from an embarrassment of entertainment riches. Maybe people just don't have time to watch someone plunging face-first down an icy tunnel for their country's glory.

Even so... I did a very nice double axel on the way to the toaster this morning, and I think *that* deserves some recognition.

MR SMITH CATCHES A BREAK

And speaking of slippery slopes brings me to the landmark case brought by Mr Smith, a worker who claimed he was owed holiday pay by Pimlico Plumbers - now ruled upon.

Mr Smith has successfully appealed against an Employment Appeal Tribunal (EAT) decision that his claim was made too late. He had previously successfully established that he was a worker, a decision that was upheld by the Supreme Court.

Mr Smith's claim at the Employment Tribunal (ET) for unlawful deduction of wages in respect of pay for holiday that been taken but not paid for was dismissed on grounds that the claim was not brought within the relevant time limit. The EAT also held that Mr Smith had made his claim for holiday pay out of the relevant time limit. Under current rules, his claim should have been within three months of the end of each holiday period.

However, the Court of Appeal reversed this earlier ruling explaining that in cases where taking holiday is under dispute and where employers refuse to pay for it, workers only lose their entitlement to take holiday at the end of the year where employers can demonstrate that the worker was given the chance to take paid holiday, encouraged to take paid holiday and had been informed this entitlement ceases at the end of the holiday year. Where employers cannot demonstrate this, as Pimlico Plumbers failed to do, workers are entitled to be paid for the untaken holiday.

The Court of Appeal concluded that Mr Smith was well within his right to claim full payment in respect of all his taken but unpaid holiday over the six-year period that he worked for Pimlico Plumbers, and that his claim was brought in time as he was deprived of the chance to take paid holiday while employed.

The Court of Appeal also considered the current law that states gaps of over three months between non-payments and underpayments of pay breaks the 'series' of deductions in relation to unlawful deduction from wages claims, which restricts claims for backdated holiday pay. The fact this case demonstrated that the three-month gap did not break the series means that employers could receive claims for backdated holiday going back much further and even to the start of an individual's employment.

This decision will be important for many workers with historic claims for unpaid or untaken holiday, including those working in the so-called "gig economy" as well as other workers wrongly classified as self-employed independent contractors. Such workers may now be able to claim holiday pay back to the start of their employment, without having to rely on the "series of deductions" rules which would otherwise limit the value of historical claims.

The key point is that, where a worker has been denied the right to paid leave throughout their employment, the right under the Working Time Directive accumulates from year to year, and crystallises on termination. For limitation purposes, this is not a series of deductions claim, but a claim for a single payment due on termination. This will also mean that the two-year backstop introduced by the Deduction from Wages (Limitation) Regulations 2014 (SI 2014/3322) for claims brought on or after 1 July 2015 will not apply.

It is important to highlight that this entitlement to claim for backdated holiday only applies to the four-week holiday entitlement that derives from EU legislation, and not to the additional 1.6 weeks' holiday that UK law provides.

EVENTS SEASON

2021

MAR 8

Peace of Mind
Members
Seminar

MAR 22

Mental Health
Masterclass

JUL 19

Practice Makes
Perfect
Masterclass

OCT 6

Settlement
Agreement
Masterclass



A HANDLEBAR MUST DASH



Celebrity Accident of the Week award this week goes to Jeremy Vine who ended up in A&E after falling off his bike.

The Radio 2 presenter was unconscious for two minutes and apparently incoherent for an hour

Of his penny-farthing.

Well, we've all had those embarrassing moments, haven't we? Who among us hasn't, at some point, fallen off their penny-farthing?

Jeremy posted an entertaining video report of his tumble (see it on [Yahoo](#) here) which details the accident very thoroughly and shows off his shiner of a black eye.

On balance (*clearly not something Jeremy was managing that day*) an 8ft plummet from a Victorian two-wheeler *is* highly entertaining and I think we all appreciate it. Next time I have a minor accident I will endeavour to have it, similarly, in the style of 170 years ago. A minor T-junction crash in a hansom cab, maybe..? A stumble over a street urchin while wearing my button up boots and petticoats..? And make a short video reconstruction of it afterwards, obviously.

Because if nothing else in life, we should all aim to amuse.

What's the most eccentric minor accident you've ever had? We'd love to read

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