

Employment Matters - November 2021

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DAC Beachcroft's Employment Matters focuses on some of the most interesting cases and events occurring within the Employment Law sector.

Case law developments this month include:

1. **Kostal UK Ltd v Dunkley: Supreme Court judgment**

We have published an article on the Supreme Court's judgment about bypassing collective consultation and making direct offers to unionised employees - please see our link [here](#)

2. **Disability discrimination: Dismissal was not discriminatory where the employee told the employer about her disability after she was dismissed**

The EAT has upheld a tribunal's decision that the dismissal of an employee for poor performance was not discriminatory where the employee told the employer about her disability in a grievance raised after the dismissal.

[Read more.](#)

3. **Worker status: Courier with a limited right of substitution was a worker**

The Court of Appeal has held that a courier's right to notify other couriers that his delivery slot was available was not an unfettered right of substitution, that he was therefore required to perform services personally and met the definition of a "worker".

[Read more.](#)

4. **Menopause: Disability discrimination**

The EAT has held that an employment tribunal had not properly considered whether an employee's menopausal symptoms amounted to a disability.

[Read more.](#)

5. **Collective redundancy consultation: Special circumstances defence**

The EAT has held that an employer could not rely on its compulsory liquidation as a "special circumstance" allowing it to defend a claim of failure to collectively consult about redundancies.

[Read more.](#)

6. **"Fire and re-hire" bill**

The Government has blocked a private member's bill which aimed to curb the practice of "fire and rehire".

[Read more.](#)

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