



EMPLOYMENT LAW NEWSFLASH E BULLETIN

Tribunal Time Limits

A timely reminder to both employees and employers wishing to file documents at the Employment Tribunal has been provided in the case of *Besley v National Grid*.

The Tribunal rejected Mr Besley's Claim Form as it was received 88 seconds late, past the deadline of 12 midnight. Mr Besley asserted that he had encountered difficulties trying to send his Claim Form over the internet, having his first attempt at 23.45pm bounced back due to the Tribunal's email address being entered incorrectly.

The decision reaffirms the strict application of the Tribunal limits and that any documents received out of time will not be accepted.

Compensatory Award Uplifts

The Employment Appeals Tribunal in the case of *Cex Ltd v Lewis* has declined the opportunity to provide guidance on when and how awards should be increased for a failure to comply with the Statutory Dismissal Procedures.

In considering the amount of an uplift to be awarded, the EAT stated that when deciding to impose an uplift of 10 per cent, the minimum amount outlined in the statutory procedures, regard should be given to the employer's knowledge of the procedures, or indeed lack of knowledge. However, they refused to provide any further outline of how the percentage uplift should be applied.

Ownership of Contacts

The High Court has recently ruled that a list of contacts on an employer's computer which were collated by an employee belonged to the employer.

The court held in *PennWell Publishing (UK) Limited v Isles and others* that the personal and business contacts, some of which were acquired prior to Mr Isles commencing his employment with PennWell, were company property.

The successful argument mounted by the employer was that the information had been collected for the purposes of his employment, and that as it was contained in his company email account he could not copy or remove the information for use outside or after the termination of his employment, as he was contractually restricted from holding outside interests whilst employed or acting in competition after termination

The case highlights the difficulties in differentiating between business and personal information on computers, but may also prove relevant for company mobile telephones.

REMINDER: EMPLOYMENT SEMINARS

Don't forget our Employment Seminars are fast approaching with places selling fast! Employment Law Update and The Impact of the Companies Act 2006 at Telford International Centre on 12th September 2007 and Employment Seminar with Hewett Recruitment and mfg Solicitors at Worcester Rugby Club on 19th September 2007.

To reserve your place please email lian.styring@mfgsolicitors.com

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