

TORQUELAW



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LAW TORQUE

Your monthly newsletter

Disclosures made in the public interest

The meaning of 'public interest' in a whistleblowing context: more than just a numbers game

In June 2013, the whistleblowing provisions of the Employment Act 1996 were amended to introduce a new requirement for a disclosure to be made in the **public interest**. It was hoped by many employers that this would help close the door to employees being able to pursue a claim based upon nothing more than a private dispute with their employer that was more centred around a breach of their own terms and conditions of employment.



Earlier this year, the public interest test was considered in the case of [Nurmohamed v Chestertons Global Limited](#). The Court of Appeal's decision was published this week and it dismissed Chesterton's appeal, and found that Mr Nurmohamed's disclosure had been in the public interest.

Preferring a multi-factorial approach, the Court confirmed that the number of people whose wider interest may be served by the disclosure, in addition to the individual making the disclosure, was a relevant factor to be assessed. However, it was made clear that this should not be the only or most predominant factor in assessing whether a disclosure was made in the public interest.

The door is still very much ajar for employees to base their whistleblowing complaints on issues that only advance their own private interest. This ruling is even more reason for employers to treat all employees' complaints seriously and to ensure that you have appropriate whistleblowing procedures and managerial training in place.

If you wish to discuss any aspect of this case or implications on your business, please contact us. For more information, please visit our website torquelaw.co.uk.

Whose gig is it anyway?

The Taylor Review

Another important topic in the news this week was the recommendations contained in the Taylor Review on modern employment practices.

We will have to wait and see which of the proposals are adopted by the government and, significantly, how long we have to wait until they do so, but let's look some of the key points:



- **The employment status of the so-called "gig economy" workers** - This follows on from several high profile cases giving individuals better legal rights (holiday pay, sick pay and national minimum wage in particular)
- **The tax status of workers** - reflecting concerns from the Revenue that those without employment status could pay less tax than if employed
- The **National Minimum Wage** may also be affected for those with no guaranteed hours or those choosing to "roll up" their holiday pay
- **Statement of terms** to be introduced with legal minimum information to be provided to workers, rather than just employees.

There are no immediate changes in law yet but employers need to be clear now about who they engage and whether they are an employee, worker or are genuinely self-employed. To read more about the proposals, click here: torque.law.co.uk Otherwise give us a call on 01904 520160 to chat through any queries.



Find out what we're Tweeting about...



What we're Torquing about...

Managing the employee lifeline

18 July 2017 - Part 1: recruitment, performance and absence

Our Employee Lifeline in-house course starts next week and we are really excited to have a cohort of 11 managers and senior leaders, from a range of local organisations, joining us for the first of three half-day sessions. Our 2017 course programme is fully booked, but we are starting to take bookings for our 2018 course running from January-March 2018, so please get in touch if

[MORE INFO](#)

New website!!

September 2017

Our friends at Rebus Design are helping us to refresh our website. All will be revealed in September, so watch this space!



[Find out about all our events coming up here!](#)



WE'D LOVE TO HAVE A CHAT ABOUT HOW WE CAN WORK WITH YOU.

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