

YOUR WEEKLY BULLETIN OF WIT AND WONDER



NOW YOU SEE IT

Now I don't... Why we all want to have a different perspective.



PUTTING A LANCE THROUGH FREELANCE

Why your oh-see-easy freelance deal may not be that at all...



MATERNAL OBLIGATIONS

Why mums get that visit this Sunday...

MERMAID OR DONKEY?

Remember the blue/white or gold/green dress thing that did the rounds a few years ago?

Well, now you can rush to find out whether another image is a mermaid, a fish or a donkey! The latest WHAT IS IT? image is doing the rounds on social media. You can see it here:

<https://www.bbc.co.uk/newsround/35997126>

And be honest... you know you want to.

But why? Why do we love to declare what we can see and then know if someone else can see it too? And then snort with derision and say: 'Are you nuts? Of *course* it's a donkey/fish/mermaid/bus/doughnut/hurdy-gurdy! Look *again!*'



I suspect we love to be the one who sees the least commonly perceived image. It makes us feel special. If you secretly know this to be true of yourself, just take a look and then say: 'Oh no. It's none of those. It's clearly a *tardigrade. If you know *how* to look at it...' And smile mysteriously.

- A. If they know what a tardigrade is they will admire you and agree
- B. If they don't know what a tardigrade is, they will look it up and be amusingly baffled

You can't really lose...

Share your tardigrade images and info on our Facebook page today - [HERE](#) - just to confuse everyone.

*honestly. Look it up. They are so weird and so cool - [tell us over on our Facebook page](#).

NOT SO FREE

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Contractor Agreement” and began working as a specialist in July 2020. Mrs Long suffered from ADHD, so she requested help with performing the administrative duties of her role. However, once she requested a support worker as a reasonable adjustment for her ADHD, she was no longer offered any more work.

Mrs Long then filed claims at the ET for disability discrimination, that she suffered detriments for having made protected disclosures, unlawful deduction of wages and holiday pay. The company argued that the tribunal did not have jurisdiction to hear Mrs Long’s claims as she was a self-employed contractor and neither a worker nor an employee.

A preliminary hearing was held in January 2022 in order to determine Mrs Longs’ employment status. During this hearing, multiple points were made by Mrs Long indicating employee status, including her hours of work, her rights and work process.

The tribunal heard that the company directly employed other specialists who carried out approximately 50% of the same work as Mrs Long. Even though these employee specialists had other responsibilities as well, this did not take away from the fact that when these employees delivered services to the company’s service users, “they provide the services in essentially the same way as [Mrs Long] and other ‘self-employed’ specialists”.

Although Judge Ayre acknowledged there were factors that weighed against an employment relationship, these were far outweighed by the factors in favour of an employment relationship. The main factor in this case was the substantial amount of control the company exercised over Mrs Long including supervision over her correspondence with clients, control over when she took holiday and for how long, and the right to terminate Mrs Long’s employment if she was absent for more than two weeks in any eight week period. As well as this, if Mrs Long was absent or unable to complete tasks, she was not entitled to delegate work and it fell to the company to find a replacement. The ET reasoned that the substantial control exercised by the company, coupled with the requirements for Mrs Long to carry out the work personally, and the mutuality of obligations between the parties created the “irreducible minimum” required for an employment relationship.

The ET found that Mrs Long was an employee of the company under the Employment Rights Act 1996 and worked under a contract of employment. This meant the company had facilitated “false self-employment” and was liable for the missing Income Tax and employers’ National Insurance Contributions (NICs) that should have been paid for the duration of the time Mrs Long was employed. Mrs Long was also granted an award for unlawful deductions from wages and for holiday pay from the company.

This case goes to show the financial and reputational ramifications a business can face when facilitating false self-employment. If a business engages someone as self-employed when in reality the relationship reflects employment, HMRC will expect the company to stump up missing employment taxes. This can mount up to a substantial amount of money just from one worker. As well as this, employers will be expected to cover the cost the deductions from employees’ wages for holiday pay. It is very important that both parties are confident in the status of their relationship and agree upon their obligations from the outset.

Practice Makes Perfect Masterclass

OCT 6 Settlement Agreement Masterclass

NOV 23 Litigation Lessons Masterclass



HISTORICAL MOTHERS



Whether you’re off to see your mum this Sunday, getting a slightly iffy breakfast in bed tray from your own adoring offspring, or perhaps raising a glass to a long gone mum, you may wonder why Mothering Sunday crops up each year in March or April.

A little research has revealed that it began in the UK in the 16th century, when people would traditionally return to their ‘mother church’ on the fourth Sunday in Lent. Popping back to the church where you were baptised often meant you were close to your family and, well, it would be awkward if they found out you were there and hadn’t popped in.**

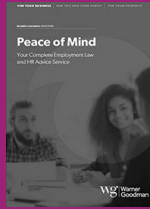
In later times, domestic servants would get this Sunday off and there was *quite a lot* of expectation that they would spend it visiting their mother or other family, as well as their mother church. Picking spring blooms along the way was a bit of a thing and that’s how the MASSIVE COMMERCIAL SALES & MARKETING OPPORTUNITY we know today was born.

Which doesn’t mean you shouldn’t give into it. Of course you should. She’s your *mum*.

***Family*. Nothing changes!

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