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Selected cases reported on disputed employment status. These key cases show how employment status is approached by courts and tribunals. We summarise the facts of the case, the court ' s evaluation of what happened, and the decision ' s implications for organisations. They should be read alongside our Employment status Q&As.

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However, the case provides a valuable recap for employers that suspect an employee is faking illness. The EAT affirmed that an employee who makes up, or exaggerates the effects of, an injury or illness to take fraudulent sick leave is fundamentally breaching the implied term of trust and confidence and can be dismissed for misconduct.

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In 2006 an ECJ case (known as Werhof) had preferred the 'static' interpretation and decided that in Germany the Directive only protected the transferring employees ' terms and conditions as at the date of transfer and not changes from future collective agreements. It appears that this case has been followed.

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