

Employees Working Abroad: Factors Supporting Connection With Great Britain Giving Entitlement To Bring Employment Tribunal Claim

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On 22 February, **UK's Employment Appeal Tribunal (EAT)** rejected the appeal against **Lock v. British Gas**, with the consequence that results-based commission should now be included in normal pay when calculating holiday pay. This follows the decision in *Bear Scotland v. Fulton* last year, which added non-guaranteed overtime payments to the calculation of normal pay for holiday pay purposes. British Gas has asked for permission to appeal to the Court of Appeal, which could mean a further year or more of limbo for employers who have collectively had thousands of claims hinging on the *Lock* decision.

What should employers do next?

For now, employers should wait and see. Any claims made on the basis of this judgment will be stayed if British Gas does appeal. Any appeal must be made within 42 days of the EAT's judgment being sent to the parties.

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National Law Review, Volume VI, Number 259

Source URL: <https://natlawreview.com/article/employees-working-abroad-factors-supporting-connection-great-britain-giving>