**What is the Lock case?**

A recent decision by the Court of Justice of the European Union (CJEU) meant that a UNISON member was successful in his contention that paid annual leave should include commission payments if these were part of normal pay.

**Does it cover all leave?**

The period of annual leave covered is only the minimum statutory annual leave rate of 20 days.  It does not cover any contractual leave.

**How far back can I claim for?**

UNISON can not guarantee that any claimant will receive any payments linked to commission for annual leave until the national courts determine how the CJEU decision will be interpreted. However if UNISON is successful in obtaining payment for annual leave we will argue for the longest period possible for each claimant. It may be that, if successful, we are only able to obtain a short period of leave for each Claimant e.g. leave taken in the last three months prior to the filing of a claim.

**Does it only apply to members in any service group?**

Regardless of which service group you work in, if you are regularly paid payments for time or activities at work that are not reflected when you take annual leave e.g. Commission payments, other supplements, bonuses or overtime payments.  It is important that you complete a case form for submission to Legal Services.

**Is there a time limit for this?**

There are time limitations and you must be aware of them.  **The limitation is three months less 1 day** from the last pay when the correct payment for annual leave was not made. So you will need to file a claim (or an additional claim) if any of the below statements apply to you.

·         You start a new role where you receive commission (or other relevant payments)

·         The nature of the payment changes

·         You leave employment

·         Your employer starts paying you the correct amount during annual leave.

**How do I claim?**

UNISON can only assist members if they complete and sign the new holiday pay CASE form, including the fee agreement part.  Members must notify us immediately if:

·         They stop receiving the relevant payments

·         The employer pays them the relevant payments during annual leave

·         The member changes jobs or leaves the company

·         There is any other material change in their circumstances

Not notifying UNISON of these changes will have consequences on your claim

**What do I do with my CASE form?**

If you are a member filling in the form, please pass it to your local rep – or, if you are not in touch with your rep, to your branch secretary. UNISONdirect will give you the name and address of your branch secretary - phone 0800 0 857 857. Branch secretaries should fill in the relevant sections and pass to the region as usual.

**How long will my claim take?**

We cannot say how long it will take but it will not be quick. The Lock case still has to be reviewed by the Employment Tribunal and there may be appeals against any decisions made by the Employment Tribunal.