

Settling future claims: Insights from Clifford v IBM 2024

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Employers will be pleased to know that the Employment Appeal Tribunal in England and Wales has issued a judgment, like the one we saw in Scotland recently in the Bathgate case, that settlement agreements can be used to waive future claims if those future claims are explicitly identified in the agreement with clear and unambiguous wording.

The judgment came in the recent case of Clifford v IBM 2024 and highlights the importance of having a carefully drafted settlement agreement.

Despite this good news, the Bathgate case concerned a former employee and this case concerned an inactive employee (in effect, on an ill-health plan) and so it remains unclear but also highly unlikely that if a current, active employee had agreed to waive “any and all” future claims that the Courts would be willing to reach the same judgment.

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