

Employment Law

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Communication Workers Union

A brief overview

- Most employment rights and an employer's liabilities to them only flow if you have employees who would generally have a contract of employment

THE BARE MINIMUM

- The right to join a Trade Union
- The right to be accompanied by a Trade Union
- Written statement of employment particulars within 2 months
- Minimum Wage £5.52 (£5.73 from 1st October)
- Working Time Regulations – Holidays, 48 hour average week, meal breaks
- Flexible Working Regulations, Maternity & Paternity Leave
- Statutory notice periods
- Statutory Redundancy – after 2 years - and consultation
- **The right not to be unfairly dismissed - after 12 months of continuous employment**
- **The right not to be discriminated against - from day one of employment**

Statutory Disciplinary and Grievance Procedures

- Health warning – Enacted in 2004 and will be repealed April next year
- Government propose new Bill to include :
- New short ACAS code
- ACAS guidelines
- Still provide for additional penalty (25% uplift) upon employers if ACAS code not satisfied but Tribunals given wide discretion

Statutory Disciplinary Procedure

Three step process

- 1 Letter of notification to employee
- 2 A fair hearing
- 3 An Appeal

Failure to comply will lead to **automatic** unfair dismissal at Employment Tribunal and an uplift in any award (10 to 50% uplift)

Statutory Grievance Procedure

Three step process

- 1 Employee must set out grievance in writing
 - 2 A meeting held to discuss the grievance
 - 3 The right to appeal if employee not satisfied
- Failure to comply by employers will lead to breach of Statutory Procedure and an uplift in any award (10 to 50%).
 - For employees they **must** comply with Step 1 and **wait 28 days** before lodging claim with Tribunal

Unfair Dismissal & Discrimination

Conduct, Capability, Redundancy, Retirement, Some other substantial reason

Sex, Race, Disability, Age, Religion or Belief, Sexual Orientation, Part Time and Fixed Term Workers, Union membership

- **The right not to be unfairly dismissed - after 12 months of continuous employment**

- **The right not to be discriminated against - from day one of employment**

More on these subjects at the Workshop where we can discuss these types of complaints and Employment Tribunals