



Employment Issues in the UK

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What we will cover today

- Contractual and statutory rights
- Termination of employment
- Unfair dismissal
- Redundancy
- Discrimination claims
- Business transfers



Contractual and statutory rights

- Express and implied contractual terms
- Written statement of key employment terms
- Statutory minimum rights



Termination of employment

- Notice of termination
- Entitlements on termination
- Breach of the notice requirements

Unfair dismissal

- Employees only
- Minimum service requirement (with exceptions)
- Is there a potentially fair reason for dismissal?
 - Conduct, capability, redundancy, legal requirement or “some other substantial reason”
- Is a fair procedure being followed?
- Some dismissals automatically unfair



Unfair dismissal

- Remedies
 - Reinstatement or re-engagement
 - Compensation
- Mandatory early conciliation
- Claims to the Employment Tribunal



Redundancy

- Types of redundancy situation
 - Closure of the business
 - Closure of a workplace
 - Reduced requirement for employees
- Redundancy pay
- Following a fair procedure
- Collective redundancies

Discrimination claims

- Protected categories
 - Sex, pregnancy, maternity, marital status
 - Race, colour, nationality, ethnic or national origins
 - Disability
 - Sexual orientation
 - Religion or belief
 - Age

Discrimination claims

- Types of discriminatory acts
 - Direct
 - Indirect
 - Harassment
 - Victimisation
 - Failure to make reasonable adjustments for disability



Discrimination claims

- Claims not restricted to employees
- No minimum service requirement
- No statutory limit on compensation
- Mandatory early conciliation
- Claims to the Employment Tribunal



Business transfers

- Transfer of Undertakings (Protection of Employment) Regulations 2006 – “TUPE”
- When does TUPE apply?
 - Sale or other transfer of business or undertaking
 - Contracting out/in of services, or change of contractor

Business transfers

- What does TUPE do?
 - Automatic transfer of employees
 - Buyer “steps into shoes” of seller
 - Protection against dismissal because of the transfer
 - Information and consultation requirements
- Changing terms of employment