

Legal News: October 2004

Employment Update

Ask anyone in business and they will tell you that whilst running a business has never been easy, increasing red tape, new laws and constant change to regulations conspire to make it even harder.

Changing Employment Law (with over 200 new regulations in the past 3 years) make a minefield of complex laws that are almost unintelligible except to the experts. The frequency of tribunals is increasing dramatically and confirms the difficulties employers can have with complying with new rules. Compensation awards are ever increasing.

Did you know that you must have Contracts of Employment for all your staff in place by 1 October 2004 and if not any member of staff can make a challenge and claim compensation of up to 6 week's wages. He/she could represent any or every other member of staff in a similar position and claim for all of them under one claim.

Statutory dismissal and disciplinary procedures

As from 1 October 2004, and except in a small number of exceptions, if you are contemplating dismissal of an employee or are contemplating any disciplinary action short of dismissal by reason of the employees conduct or capability, the employer must undertake a three stage process of notice, discussion and appeal. Failure to follow the minimum procedure will make the dismissal automatically unfair (provided the employee has one year's continuous service). Are your procedures sufficient and documented?

Do you have concerns about your Contracts of Employment or your dismissal and disciplinary procedures? If so, PLEASE CONTACT either SIMON HUGGINS (Partner) or MICHAEL LEGISTER, at our offices, who can provide the help and guidance you may require.

This article is not intended to be a definitive analysis of legislation and professional advice should be always taken before any course of action is pursued.