

# Employment Law Fact Sheet



## Who we can help

Employees  
Contract Workers  
Agency Workers  
Fixed Term Contracts  
Casual Workers  
Apprentices

## What we can help with

Dismissals  
Discrimination  
(sex, disability, race, religion etc.)  
Victimisation  
Harassment  
Equal pay issues  
Maternity and paternity leave / rights  
Grievances  
Disciplinary action  
Capability procedures  
Flexible working  
Bullying and unfair treatment  
Contractual disputes  
Health and safety disputes  
Whistle blowing  
Redundancy  
Settlement Agreements

## Requirements

### ***Unfair dismissal***

- Employees only
- Must have worked for a continuous period of two years

### ***Constructive unfair dismissal***

- Employees only
- Must have worked continuously for two years at the point of resignation
- Advised to have exhausted all internal routes via grievances before commencing legal proceedings

### ***Discrimination***

- Employees, agency staff, contract workers, casual workers and fixed term workers
- No qualifying length of service
- Advised to have exhausted all internal routes via grievances before commencing legal proceedings

### ***Whistle blowing / Health and Safety***

- Employees only. Must have:
- Worked for one month
- Made a disclosure to the correct Health and Safety officer or a regulatory body
- Made the disclosure in the interests of the public
- Suffered a detriment other than dismissal e.g. bullying, isolated after making the disclosure.



All Claims must enter ACAS Early Conciliation within three months of the date of the resignation or last date worked/act of discrimination.

Claims must be presented within one month of receiving the Early Conciliation Certificate or within the original three months from the date of the dismissal/discrimination (whichever is greater).



## Compensation for Dismissals

### *Unfair dismissal and constructive unfair dismissal*

- Reinstatement into previous role
- Reengagement into an alternative role

#### **Compensation**

- Up to one years loss of earnings and benefits (capped). Any earnings received after the dismissal/resignation will be deducted from any award

### *Discrimination*

- Reinstatement into previous role
- Reengagement into an alternative role

#### **Compensation**

- Up to one years loss of earnings and benefits. Any earning received after the dismissal/resignation will be deducted from any award
- Aggravated damages/injury to feelings award for the hurt, pain and suffering

### *Health and Safety / Whistleblowing*

- Reinstatement into previous role
- Reengagement into an alternative role

#### **Compensation**

- Up to one years loss of earnings and benefits. Any earning received after the dismissal/resignation will be deducted from any award
- Aggravated damages/injury to feelings award
- Possible increase of up to 25% if the employer has failed to follow the ACAS Code of Practice



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