

Threat of dismissal

Normally an employee has to have worked for 1 whole year, without any breaks (that does not include holidays or periods of sickness), in order to have the right not to be unfairly dismissed.

How do you know if it is unfair dismissal?

- The employer must follow the correct procedure
- The employer must have a fair reason
- The employer must act reasonably.
- The employer must not dismiss a protected person.

Correct Procedure

For information on the correct procedure please visit www.acas.co.uk

Fair reason

- The employee is incapable or lacks the requisite qualifications
- The employee displays misconduct
- You need to make employees redundant
- The employee reaches retirement age
- The employee acts in contravention of a statutory provision
- Some other substantial reason

Reasonable

This is difficult to determine, however, employment solicitors and judges have a field of knowledge in this area. They would use a band of reasonable responses. As long as the employer's actions fell in this band, their actions would be seen as reasonable.

Protected classes

It is classed as automatically unfair to dismiss someone for the following reasons:

- Pregnancy or maternity related
- Dismissal for a trade union reason
- Selection for redundancy based on the above two
- Dismissal following industrial action
- Dismissal for asserting a statutory right
- Dismissal relating to health and safety
- Some dismissals relating to a transfer of business
- Dismissals where the worker has made a protected disclosure.

Time Limit

If an employee wishes to make a claim because they believe they have been unfairly dismissed they must be aware that they have only **3 MONTHS** to make a claim to the Employment Tribunal. The 3 months start with the effective date of termination less one day. This is a very strict deadline and cannot not even be a second late!

Remedies

If an employee makes a claim for unfair dismissal there are 3 possible remedies if they are successful.

- Reinstatement
- Reengagement
- Compensation

Unprotected classes

There are certain classes of people who, regardless of length of service do not attain the same rights. These are:

The Armed forces

Police force

Crown employees

Mariners, and

Some domestic servants.

If you are a member of this class you may be happy to hear that several charities are available to help certain groups, among them are:

For the armed forces:	Help for Heroes:	http://www.helpforheroes.org.uk/
	SSAFA:	http://www.ssafa.org.uk/
	The British Legion/ Poppy appeal:	http://www.poppy.org.uk/support-us/give-money or http://www.britishlegion.org.uk/support-us/how-to-give
For the police force:	POLFED:	http://polfed2.atthekeyboard.co.uk/index.php?option=com_content&view=article&id=26:police-charities&Itemid=33
For mariners:	Ship wrecked mariners:	http://www.shipwreckedmariners.org.uk/textonly/grants.html
Others:	If you cannot find the support you are looking for try the Citizens Advice Bureau:	http://www.citizensadvice.org.uk/