



## 6th April 2012... start the clock

### What is unfair dismissal?

**U**nfair dismissal is the legal name given to the situation where an individual's employment is terminated by their employer without having been given a fair reason for the dismissal, or where the employer did not follow the correct process for the dismissal.

To date only employees with one year's continuous employment have the right to claim unfair dismissal.

However, from 6th April 2012 this right is being amended (in the employers favour) to provide that only employees with two years' continuous service will have the right to be able to claim unfair dismissal.

### What does this mean in practice?

While this is a positive change for you as the employer, it will only apply to new recruits starting with you on or after 6th April 2012. Staff employed by you before this date maintain their current rights.

By way of example, an employee that has 9 months continuous service with you on 6th April 2012 will obtain their right to claim unfair dismissal in 3 months' time. Whereas an employee with 14 months service on 6th April 2012 (and therefore already has one year's continuous service) maintains their right to be able to claim unfair dismissal.

However if you employ any new starters on or after 6th April 2012, they will not obtain the right to claim unfair dismissal until 6th April 2014 at the earliest.

# HRx News



## Other factors to bear in mind

Of course while this change is good news for employers, it does not detract from the fact that employees have the right to claim automatic unfair dismissal from their first day of employment.

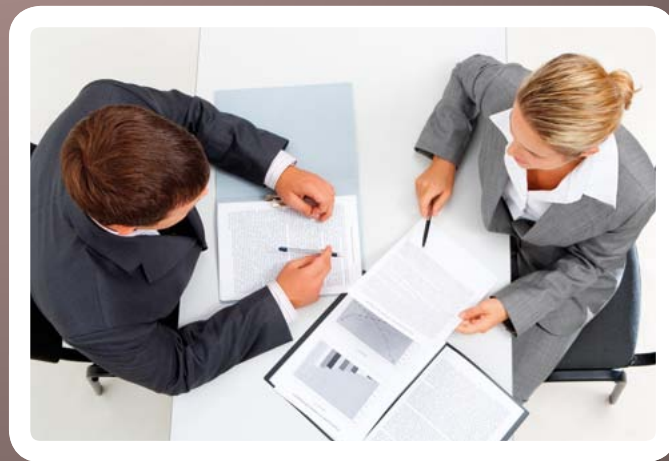
Automatic unfair dismissal can be claimed by an employee if their statutory employment rights are infringed. Some examples of an employee's statutory employment rights are (but are not limited to):

- *the right to be provided with a written statement of employment particulars*
- *the right to a minimum notice period*
- *the right to maternity, paternity or adoption leave*
- *the right not to be discriminated against because of their gender, race, disability, religion or belief, sexual orientation or age*
- *the right to make a public interest disclosure or 'blowing the whistle'*

If you are in any doubt about the safe procedure for dismissing a member of staff (regardless of their length of service) contact HRx and we will ensure that you follow the correct (and fair) process.



Whatever their start date, make sure your process is fair.



If you are in any doubt, please contact HRx.

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