

Employment Law Essentials

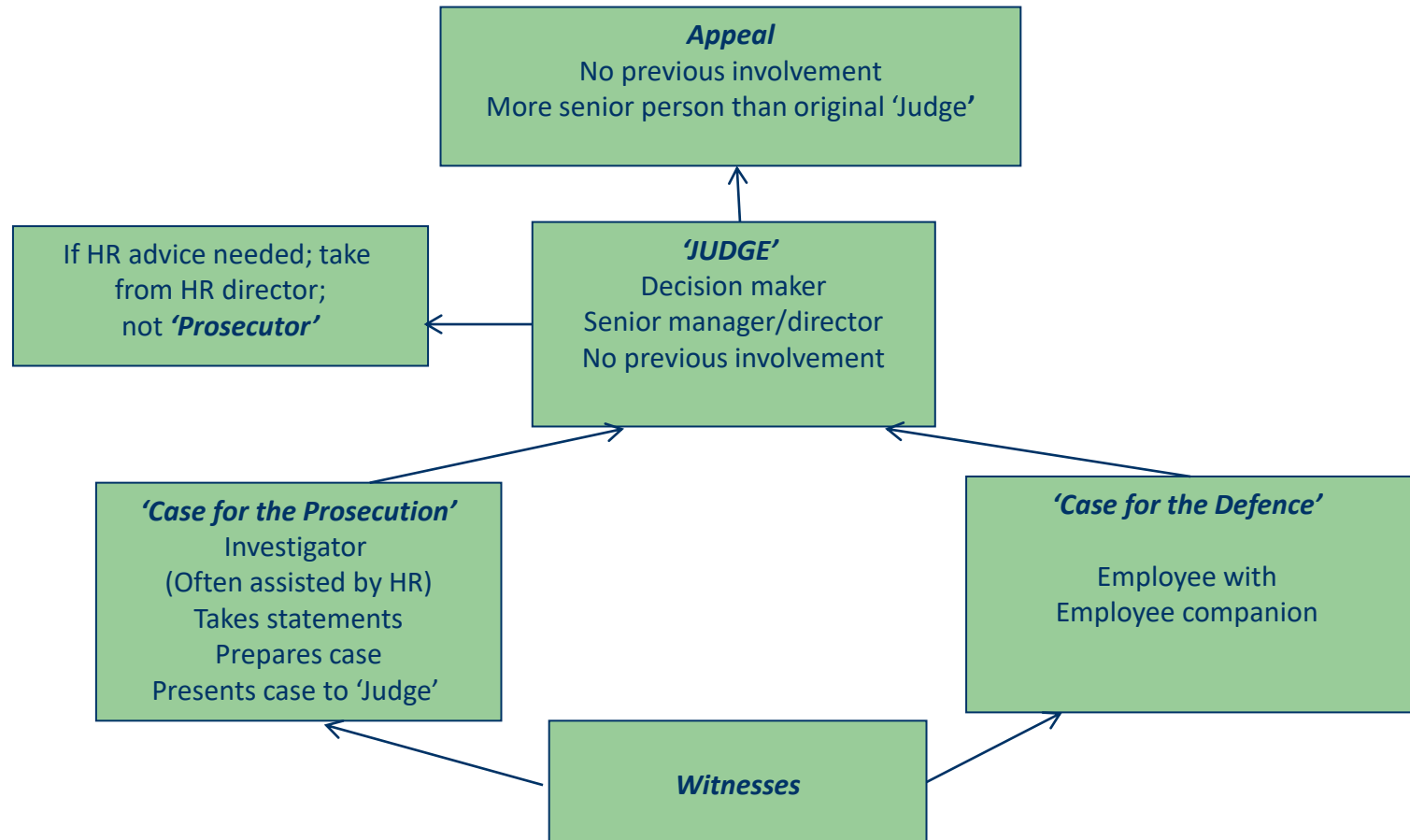


Employment Protection

- No unfair dismissal protection in first 2 years of employment
- In effect, employment at will
- (Notice period still applies and must be paid)
- From 2 years' service, employees acquire **unfair dismissal** rights
- 18 month review? Controversial but legal!



Roles in a disciplinary hearing



Disciplinary Outcome

The test:

- “Genuine and honest belief”; *not* “beyond reasonable doubt” – you don’t have to be *certain* of guilt

Sanctions:

- Warning
- Dismissal with or without notice
- The “*range of reasonable responses*” test
- Refer to any mitigating and/or aggravating factors



Question

- Hina is one of your Senior Managers. She has a poor attendance record, with absences for flu, toothache, tummy upset, flat battery and a row with a neighbour in the past year. Colleagues have covered for her as best they can, but they have now complained to you about Hina's absence record.
- **What can you do, and what factors should you take into account?**



Question

- Lucinda is a confident young lady, but in reality her performance in her role is lacking. Angela, her manager, has recently been promoted, and is growing into her new role. She sets up a meeting with Lucinda, and draws to her attention performance issues. Lucinda is perturbed by this, and responds by bringing a grievance against Angela, alleging that she is being bullied.
- **What do you do?**



Question

- You receive two, competing, flexible working requests, one from a mother of small children, and one from a male who wants to take Fridays off to play golf.
- **What should you do and not do?**