



A GUIDE TO PROBLEMS AT WORK

Get advice early

Employment law can be complicated, and few people have a clear idea of all their rights at work. If you think your employer has treated you unfairly, it is important to get legal advice at the earliest opportunity. In some circumstances there are particular steps you must follow to sort problems out with your employer before you can take a complaint to an employment tribunal, as well as specific deadlines for making such complaints. Generally, the longer you leave a problem, the harder it is to solve.

We can help you by:

- explaining your options;
- tell you if you have a legal case against your employer;
- help you decide whether your case is worth taking further; and
- explain what you should do next

Starting the process

When you first contact us you should explain your situation briefly over the phone and set a date for a meeting.

At the meeting we will need to know:

- how long you have worked for your employer;
- how much you earn;
- what events have led you to your current situation;
- we will need to see any relevant documents including your written contract (if you have one);

Exploring the alternatives

Once you have explained your circumstances in detail, we can explain your options on how best to move forward.

If you have not already done so, you may need to try to sort out the problem with your employer direct before taking any other action. We can help you set out your case and, if appropriate, try to negotiate a settlement for you. If you are happy to carry out negotiations directly with your employer, we can offer useful advice on how best to go about doing this.

If you cannot solve the problem with your employer direct an employment tribunal may be your best option. If so, we can help by preparing your case and representing you at the tribunal.

Following your employer's procedures

It is important to try to sort out your problem with your employer first. Employment tribunals will not hear your claim unless you can show that you have set out your complaint in writing to your employer before taking your claim to the tribunal.

If you have started using your employer's complaints procedures or if your employer has started to take actions against you (for example, about your behaviour, the quality of your work, your ability to do your job or your attendance) you should try to go to any meetings that are arranged and use any appeal procedures your employer has in place.

You should try to solve your problem with your employer direct because:

- matters can often be sorted out quite quickly this way;
- employment tribunals can reduce your compensation if you haven't tried to sort out the matter with your employer before taking your case to them; and
- often it is possible to negotiate settlement and we can help you with this process.

Time limits

The time limits for taking your claim to a tribunal depend on what your complaint is about.

If you are complaining because you think you were unfairly dismissed, you must make your claim to the tribunal within three months of the date you were dismissed.

If your claim is about redundancy payments, you have six months to make your claim to the tribunal, from the date you were dismissed.

The deadlines may be extended, but only in limited circumstances. Because the rules on time limits are complicated it is worth getting advice from us as soon as you can to make sure you make your claim in time.

Compromise agreements

If you can reach an agreement with your employer without going to a tribunal, this can be recorded in a “compromise agreement”. This is a legal document which confirms the terms of the settlement you have agreed, in exchange for which you give up your legal claim against your employer. You may be able to get your employer to make a contribution to your legal costs as part of the agreement.

Employment tribunals

An employment tribunal is chaired by a lawyer and made up of two independent “wing” members with experience of employment relations.

The tribunal will:

- weigh up the evidence;
- consider the law; and
- decide whether your claim against your employer is justified.

Decisions are made by majority vote and most are announced straight away. If the tribunal decides in your favour, it has the power to award you compensation. Or if you are claiming for unfair dismissal, it can sometimes order your employer to give you your job back, though this is rare.

It is important to remember that even if you win your tribunal case, you may not receive any financial reward. If you do, the amount you receive is unlikely to be large. The average compensation award is £4,000.00 and often much of the award is simply to compensate you for the actual losses you have suffered. Because of this, it is almost always better to sort out problems early, before losses begin to mount up.

Claiming unfair dismissal

Generally, you are only entitled to make a claim for unfair dismissal once you have been employed for a year or more.

However there are exceptions to the rule and we can advise you as to whether these exceptions apply to you

Discrimination

If you believe that you are being treated less favourably than other employees for any of the reasons set out below, you may have a discrimination claim. You are protected against discrimination based on any of the following.

- Your sex
- Your sexuality
- Your race, including your skin colour, nationality and ethnic background
- Your religion and beliefs
- Your disability
- Your age

You can make a claim to the tribunal if you have been less favourably treated at any stage of your employment. This includes how you were treated when you applied for the job and were interviewed, as well as during your employment or after your employment ends.

Costs

Our charges will mainly be dependent upon how complicated your case is. We will give you an estimated cost when we have seen you for the initial meeting and will keep you fully informed of any alteration in costs.

Tribunals can order that you pay the employer’s costs if you have acted unreasonably by making your claim. Your employer might have to pay your costs if they have acted unreasonably by disagreeing with your claim. We can you advise you about this.



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