

# TEN LAWS EVERY EMPLOYER NEEDS TO KNOW

ASTUTE HR ARTICLES



---

THUSHARA POLPITIYE

ASTUTE HR

# HR AND EMPLOYMENT LAW SPECIALISTS WITH A DIFFERENCE

HR and Employment Law Specialists with a difference

We are a London-based employment law solicitors with experience and expertise. We also have a commitment to getting the best result for you, whether it's as a business or an individual.



## EMPLOYERS

If you're looking to fix the people problems in your business, or just avoid them in the first place, we can help.



## OUR PROMISE

- Direct access to professional
- and expert advice
- Practical solutions tailored
- to your situation
- Quick, clear and jargon
- free communication
- Straightforward pricing structure
- with no hidden costs
- Don't pay a penny until we've
- agreed to work together



## EMPLOYEES

Workplace disputes can be stressful, upsetting and unnerving.

We want to understand your story and help you find the right ending.



# WELCOME TO THE ASTUTE HR ARTICLES

TEN LAWS EVERY EMPLOYER NEEDS TO KNOW

## 1. Anti-Discrimination

Huge amounts of compensation can be awarded against employers where they discriminate due to age, sex, sexual orientation, gender reassignment, religious beliefs, race pregnancy marital status or disability.

## 2. Employment Contracts

Many employers still fail to meet their legal obligation to issue a written statement of terms and conditions of employment particulars to new employees, which should be provided within 8 weeks of the employment starting and must confirm a number of issues including pay and holiday entitlement. A written statement may avoid later arguments about what the employee's package is and the disciplinary process is.

## 3. Family-Friendly Rights

This is the collective term used for rights such as maternity leave. There is the right to request 'flexible working', i.e. shorter or different hours. An employer has to give such a request reasonable consideration, but the employee has to submit reasoned request in writing and the arrangement must be proposed on a permanent basis. If there is a reduction in working time, the employer is entitled to proportionately adjust salary.

#### **4. Working Time**

Employees are subject to a maximum working week of 48 hours, a maximum of 13 hours in one day and are entitled to one whole day off a week on average. Employers should also have a system for monitoring working time to ensure compliance. Employees can opt out of the 48-hour rule, but this must be in writing and they can cancel it at anytime with appropriate notice.

#### **5. Holidays**

Employees are entitled to annual leave off to 28 days (5.6 weeks), including bank holidays.

#### **6. Anti-Harassment**

Every employer must take effective measures to ensure employees are not subject to verbal or physical bullying and harassment from bosses, fellow workers, customers or suppliers. Employment Tribunals claims of this nature are increasing and criminal prosecutions against the harasser are possible: at least one sexual harasser has been jailed, so employers need to take this very seriously.

#### **7. Business Sales and Outsourcing**

When an employer sells all or part of a business or outsources a function it has previously conducted in-house, this will probably amount to a transfer of an undertaking. This means that the employees working in the business or relevant part or function will transfer to the new owner or outsource provider on their existing contracts. Any breach of the law will give rise to claims including potentially for unfair dismissal.

## 8. Changing Terms and Conditions of Employment

If there is no business need, fundamental terms of employment can only be changed by negotiation and agreement, so giving notice can only work legally in two cases. First, where the matter in question is outside the contract (such as discretionary benefit-in-kind) or second where the contract expressly allows it to be changed by the employer by this method. If none of these routes is open to the employee, it can always serve the correct notice to terminate the contract and offer reemployment on the new terms, if justified, but this counts as a 'dismissal'.

## 9. Dismissal

There are three key laws to comply with here.

First there is a legal minimum notice period, which is one week after one month's employment and rising to one week's notice for each complete year of service.

The maximum amount that you can be awarded as compensation for Unfair Dismissal is presently the statutory cap of £86,444, or 52 weeks gross salary- whichever is the lower. This is in addition to the basic award which can be ordered by the Tribunal of up to a maximum of £15,750. These figures are from 6th April 2019.

In order to successfully defend an unfair dismissal claim, the employer must satisfy an Employment Tribunal that it had a legally good reason for dismissing the employee and that it acted reasonably. Third, the employer must follow a fair dismissal procedure, which includes a right of appeal against a disciplinary sanction.

## 10. Redundancy

Genuine redundancy is a fair reason for dismissal, but employers still need to act legally and follow the correct procedures.

To protect their businesses employers need to ensure correct policies and procedures are in place, reducing the risk of costly claims and potential for disgruntled employees.



## THANK YOU

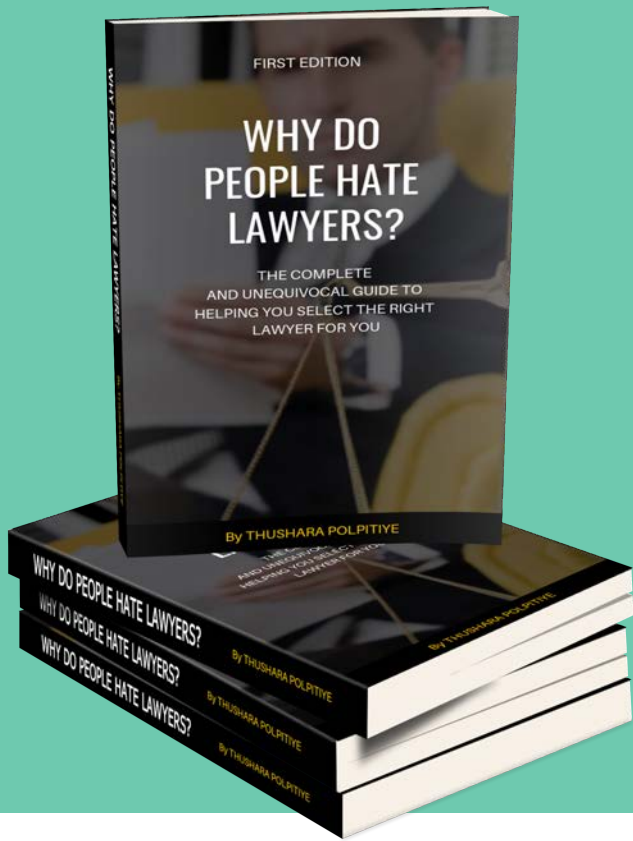
If you didn't get what you need from this article and you want some more information, please feel free to call me and the team on 020 3011 0201 or email me on [info@astutehr.co.uk](mailto:info@astutehr.co.uk)

I'm happy to speak to you about any questions that you have, either about this article topic or any other HR problems that you're dealing with.

Thank you very much and you know where we are if you need us.

*Thushara Polpitiye*

Thushara Polpitiye  
Solicitor



## GET A COMPLIMENTARY COPY OF MY BOOK

WHY DO PEOPLE HATE LAWYERS?

The Complete and Unequivocal  
Guide To Helping You Select The  
Right Lawyer For You

## SO, WHY EVEN WRITE A GUIDE ON HOW TO CHOOSE THE RIGHT LAWYER FOR YOU?

The reputation of the legal industry is somewhat mixed, but it doesn't have to be. The perception of many people that engage with solicitors or think about engaging with solicitors is often a fear of escalating costs and having to deal with lawyers that appear uncaring, unsympathetic and interested only in ramping up fees.

This is certainly not the reality for many solicitors, but it is certainly the perception of many clients or potential clients.

Every situation has a story. The key is to understand what that story is, and the question is, what is the outcome that you want?

Once we establish the story and the outcome, that might be you wanting to walk away, that might be resolving the situation, or going to court.

Whichever it is, we can solve it for you and that is why I have published this guide. Please go get your complementary copy at <https://astutehrtraining.com/book/>

*Thushara Polpitiye*

Thushara Polpitiye  
Solicitor

FOR SPECIALIST EMPLOYMENT LAW CONSULTATIONS PLEASE CALL  
**020 3011 0201 | WWW.ASTUTEHR.CO.UK**

# Why Do People Hate Lawyers

The Complete and Unequivocal Video Series to  
Helping You Select the Right Lawyer for You

Gain Instant Access For Free

## NEW: FREE INSTANT ACCESS TO THE ASTUTE HR VIDEO TRAINING SERIES

The reputation of the legal industry is somewhat mixed, but it doesn't have to be. The perception of many people that engage with solicitors or think about engaging with solicitors is often a fear of escalating costs and having to deal with lawyers that appear uncaring, unsympathetic and interested only in ramping up fees.

This is certainly not the reality for many solicitors, but it is certainly the perception of many clients or potential clients.

Every situation has a story. The key is to understand what that story is, and the question is, what is the outcome that you want?

Once we establish the story and the outcome, that might be you wanting to walk away, that might be resolving the situation, or going to court.

Whichever it is, we can solve it for you and that is why I have created this video training for you. Please access your training at [www.astutehrtraining.com](http://www.astutehrtraining.com)

Regards

*Thushara Polpitiye*

Thushara Polpitiye  
Solicitor

FOR SPECIALIST EMPLOYMENT LAW CONSULTATIONS PLEASE CALL  
**020 3011 0201 | WWW.ASTUTEHR.CO.UK**