



Do you employ staff?

Do you have difficulty understanding your legal and contractual responsibilities as an employer?

Do employment problems keep you awake at night?

Hassle Free HR - Taking the hassle out of your HR and H&S Management

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Wrongful and Unfair Dismissal – How to Avoid a Tribunal!

Do you understand the differences between wrongful dismissal and unfair dismissal?

Wrongful Dismissal

Any of your employees, irrespective of their length of service can raise a claim of wrongful dismissal. This is a claim under common law which relates to a breach of the contract of employment. Examples of a breach of the contract of employment includes dismissing an employee without the correct amount of notice, or denying a dismissed employee any wages or benefits owed to them, such as accrued holiday pay. If an employee can prove to a tribunal that they were dismissed with less notice than they were entitled to then they win a claim of wrongful dismissal against their employer.

Unfair Dismissal

Employees recruited prior to 5 April 2012 need to have one year's service in order to claim unfair dismissal. For employees recruited after 6 April 2012 two years' service is required. There are five fair reasons for dismissal: capability; conduct; redundancy; statutory legality; and some other substantial reason (SOSR). As well as choosing one of these five reasons when dismissing someone, the employer should be able to show that they have behaved with substantive and procedural fairness. If you have chosen a reason that is deemed unfair, or you have the correct reason but do so without following a fair and reasonable procedure, or fail to manage the process in a fair and reasonable way, then your employee could make a claim if they are eligible.

Pensions Auto-Enrolment

In this month's HR Update we conclude our series on preparing for pensions auto-enrolment by covering the final three steps required to be fully prepared; Step 5 – Enrolment, Step 6 – Registration and Step 7 – Contribution. Please refer to our earlier updates for details on previous steps or let us know if you would like a PDF covering all seven steps.

Step 5 – Enrolment

Whatever pension scheme you decide to use, in order to comply with 'pensions auto-enrolment', it remains your responsibility as the employer, to obtain 'active membership' status for your eligible job holders. Different schemes will have different rules/steps to follow in order to obtain 'active membership' so you will need to find out from your scheme provider, exactly what steps are required and ensure that you take these steps and obtain 'active membership' status in time for your specific enrolment date and make sure that your eligible job holder receives the terms and conditions of the scheme they have joined.

Step 6 – Registration

After you have automatically enrolled your employees you will need to tell The Pensions Regulator that you have done so within four months of your staging date. For further information on how to comply with your duty to register please visit:

<http://www.thepensionsregulator.gov.uk/employers/registration>

Step 7 – Contribution

When you reach your staging date you will need to ensure you fulfill your responsibility to contribute to the pension scheme which will include making your employer contribution as well as the deducting and making your employees contributions.

Employer contributions will be phased, starting at 1% till 30 September 2017, rising to 2% till 30 September 2018 and rising again to 3% from 1 October 2018 onwards.

If you have any queries relating to any of the subjects raised within this newsletter then please don't hesitate to contact us at hradvice@hasslefreehr.co.uk

For clarification of any of the above updates or for advice and guidance on any HR and/or Health and Safety Concerns contact us by emailing hradvice@hasslefreehr.co.uk or by calling 02476 664092.

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