

# New Pitfalls in Employment law

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# Current Position

- Very prescriptive three stage system
- Confusion for both employers and employees
- Penalties or uplifts for minor breaches
- Can lead to automatic unfair dismissal decisions

# New Rules

- When – 6<sup>th</sup> April
- Overriding Duty
- Reduced Penalties
- Less prescriptive position

# Advantages

- Reduced Penalties
- Potential for unfair dismissal due to minor breach reduced
- More emphasis on mediation
- May reduce risk of litigation

# Disadvantages

- Lack of certainty
- Reduced Penalties
- Overriding duty may prove onerous
- Tendency for Employment Tribunals to be too helpful to employees may be exacerbated
- Guidance may be difficult in early stages

# Action

- Review Disciplinary and Grievance policies
- Train Key Managers
- Consider Mediation
- Adjust mindset to deal with overriding duty

# Thank You

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