

# Avoiding Unfair Dismissal Claims Essential Facts

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#### **Avoiding Unfair Dismissal Fact Sheet - Eris**

Avoiding Unfair Dismissal Claims - Discipline and Warning Procedures Updated October 2013 In approaching a termination in a fair, reasonable and rational manner it is necessary to analyse the decision, prepare for the delivery of the news consider the individual and the company responsibility

#### **Unfair Dismissal in Depth - State Chambers**

Dismissal is not unfair if the termination is a genuine redundancy (ss386, 389); Dismissal is not unfair if the termination is consistent with the Small Business Fair Dismissal Code (ss386, 388) Note also the effect of ss725 to 732 that an unfair dismissal application cannot be made if another claim

#### **Restructuring and Constructive Dismissal**

Restructuring Changes That May be Considered Constructive Dismissal Only changes to the essential terms of the employment contract will allow the employee to reject the change and conclude that he or she has been dismissed For example, a minor change to the way an Avoiding Constructive Dismissal Claims During a Restructuring

#### **Page 40 The Metropolitan Corporate Counsel December 2008 ...**

employees' rights to bring claims for unfair dismissal, redundancy and discrimination For this reason, it is essential that an Acquirer ascertain all pertinent information about the employees it might inherit when considering whether to buy a business or enter into an outsourcing agreement in some Member States This article examines

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to prevent or prohibit unfair discrimination (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair" 12 BE Loots "Sexual harassment and vicarious liability: A warning to political parties" ...

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