

QS
CLEAR PRICE
GUARANTEE

WORKING THINGS OUT

Your guide to legal support and
protection in the workplace.



QualitySolicitors
Edward Hughes



A guide to help you

As an employee, you may feel like your employer holds all the cards, but the law is there to support you when you need help and protect you when necessary. If you have any issue relating to any aspect of employment law then get in touch. We want to help you with your problems. It is possible that you would benefit from sympathetic third party support.



Your employment law specialists, at your service

Whether you have a legal query, issue or worry that's related to your job, you are guaranteed the attention of an experienced Employment lawyer who can represent you in relation to all areas of job related legal topics such as your new job, problems at work and losing your job.



We are local

All of our services can be tailored to your personal circumstances and all requirements can be discussed face to face with your lawyer – that's the nice thing about being local. Please call us for your Free First Advice or visit www.qualitysolicitors.com/edwardhughes/services/employment-law



A QualitySolicitors Guide

Disclaimer: We have done our best to ensure that the information contained in this guide is correct as of **19.06.15**. However, the guide has no legal force and the information may become inaccurate over time, due to changes in the law. It is not possible to cover every situation or point in this type of guide and some of the information is over-simplified. We recommend that you check with us to take legal advice on your particular circumstances before you take action.



Resolving your problems at work – the steps involved*



Information gathering

Talk to us to find out how we can help and whether you are entitled to any compensation. We'll then work with you to gather the evidence you'll need to make your claim.



Try to resolve the dispute

If it's not too late, we'll work with you to use any internal grievance or appeal procedures to your advantage to resolve matters amicably.



Notify ACAS and the Employment Tribunal

In order to proceed with a Tribunal claim, you must first approach ACAS, through the early conciliation service. We can assist with this and if it is not possible to settle your claim with ACAS assistance at this stage then we will assist you to submit your claim with the Employment Tribunal.



Settlement negotiations

At all stages of your claim, we will help you to negotiate with your employer to reach an "out of court settlement" if possible.



Employment Tribunal

If your case cannot be resolved through negotiations, we can represent you at an Employment Tribunal hearing before an Employment Judge.



Compensation

If your claim is successful, whether through negotiations or at a Tribunal hearing, the final stage is settlement.

This may be in the form of compensation and/or your job back or an alternate job with your previous employer.



Grievance and disciplinary procedures

If you feel you've been treated unfairly at work, you're entitled to raise a grievance with your employer. Your contract, staff handbook or Human Resources (HR) department should be able to explain the correct procedure to follow but, if not, we're here to provide all the advice you need. We can help you to submit a grievance or prepare you in advance of a grievance meeting and we can advise on your right to appeal if your grievance is rejected.

If you're facing disciplinary action, we can advise you about what process your employer should follow. An employer should follow correct procedures when taking disciplinary action against you and you should have the right to appeal against any action taken. We'll help you to understand the allegations that have been made and advise on the best course of action.

TOP TIP:

- Remember that you can ask to be accompanied to a hearing by a colleague or trade union official if you're worried about attending on your own.

Discrimination at Work

Being treated differently because of your gender, race, religion, age, or sexual orientation – or because you are pregnant, on family-related leave, or have a disability – is illegal. If it occurs, there are procedures to challenge it, and ultimately a business or an individual can be ordered to pay compensation to someone who has been unlawfully discriminated against.

We can help you make a claim or resolve a disagreement. Before proceeding to court, there are other procedures you may wish to explore first, and QualitySolicitors can explain what discrimination is, how the law protects you and what options you have. We can explain everything without legal jargon so you're always clear on what's happening.

TOP TIP:

- In the first instance, consider talking through your experience(s) with someone who has a supervisory role in your organisation.

Unfair treatment at work

Unfair treatment can come in many forms; from being bullied to simply being treated differently from your colleagues. Whatever your situation, it's natural to feel worried or concerned about what action to take for the best.

It is important to act fast if you have been treated unfairly and are considering making a claim to the Employment Tribunal. If you have been discriminated against, or if you have been unfairly dismissed, you must submit a claim within three months of that unfair treatment.

We can work quickly to answer your questions, explain your rights and suggest the best course of action for you to take.

TOP TIP:

- Write to your manager or HR department under your company's grievance policy, describe the treatment you've received, and ask them to respond to your grievance in writing.

Unlawful deductions

Every employee deserves to be paid correctly and as promised by their employer. From time to time, disputes can arise and your employer may feel they have the right to deduct wages from you. However, employers can make mistakes and it may be that the deduction from your wages is actually an unlawful deduction.

There are many reasons why an employer might make a deduction from your wages. For example, to cover training expenses, uniform costs, property damage or sickness. But, if these deductions haven't been authorised by the contract of employment or formally agreed with you in advance, they could be unlawful.

The first step is to try and resolve the dispute with your employer. If you've tried this approach without success, we can help. Before taking any action, we'll clearly explain all of your options (this could involve making a grievance complaint or submitting a claim to an Employment Tribunal), help you plan the best solution for your own particular situation and be with you every step of the way.

TOP TIP:

- › The deduction may be due to a genuine mistake, so try to stay calm and polite when you ask your employer why your wages are lower than you expected them to be.

Parents-to-be at work

When to tell your employer you're expecting a baby

You're required to notify your employer that you're pregnant, when the child is due to be born, and when you intend to take maternity leave. You don't have to do this until the 25th week of your pregnancy. However you may want to tell your employer earlier, in order to benefit from rights such as time off for antenatal appointments.

You might want to tell your line manager, your head of department or your HR department. Whoever you tell, make sure you inform someone who will place the information on your personnel file. Who you should notify will be written in your staff handbook.

How to tell your employer

Most companies will have a clearly laid out policy for all employees with regards to maternity and paternity leave. This policy should be set out in a staff handbook and should include the processes and procedures that an employee and an employer should go through when an employee is pregnant or if an employee's partner is pregnant. This means everyone involved is clear from the outset what their roles and responsibilities are. Your employer is entitled to request confirmation of your pregnancy in the form of a MAT B1 form. This will be supplied by a doctor or midwife and confirms the expected week of childbirth.

TOP TIP:

- › Generally speaking, it's best to tell your employer about the pregnancy sooner rather than later as this will give them more time to plan for your absence.

Rights of partners of women expecting a baby

Partners of women expecting a baby also have certain rights to time off work. You don't have to be the father of the child; you may simply be in a relationship with the mother. You'll usually have rights to unpaid time off to accompany the mother to antenatal appointments, to paid paternity leave and/or to paid shared parental leave with the mother. Ask your line manager or HR department for details of any policy your employer has in place.

TOP TIP:

- If your employer can't supply these, call us and we can advise upon your rights and the qualification and notice requirements you must comply with to take advantage of these rights.

Being pregnant at work

Employers owe a duty of health and safety to their employees. So once you've notified your employer of your pregnancy, they are under an obligation to carry out a risk assessment. The law requires that this risk assessment needs to cover an assessment of the risks the workplace poses to new or expectant mothers or their babies. If risks are identified, your employer is required to alter your working conditions or hours to avoid any significant risk, and if this is not possible your employer needs to look at offering you suitable alternative work.

TOP TIP:

- All pregnant employees have a statutory right to "reasonable" paid time off during working hours to attend antenatal appointments. You are entitled to this right no matter how long you've worked for the company.

Rights to time off to care for children and relatives

All employees have the right to unpaid time off for childcare emergencies or if a close relative has fallen ill. This is intended to be a short-term measure whilst longer term care is put in place. If you're a parent, you can take up to 18 weeks' unpaid leave for each of your children before they reach the age of 18. Whether you're a parent or not, all employees have the right to request flexible working arrangements with their employer.

TOP TIP:

- Your employer must seriously consider such an application and may only reject it for one of a number of specified reasons. If you want to know more about any of these rights, call us for advice.

Redundancy

When faced with redundancy it's natural to have lots of questions. You'll want to know if your selection for redundancy is fair, whether you are entitled to be offered alternative employment, how much notice your employer has to give you, and whether you are entitled to redundancy pay. Most employers handle the redundancy process properly and support their employees through this difficult time. However, if your employer is making redundancies and you feel as though you need help to ensure that you're fairly treated, we're here for you.

TOP TIP:

- › If you feel that you were made redundant unfairly, then you'll want to take action as soon as possible. It's important to act quickly as you only have three months from the end of your employment to claim for unfair dismissal.

Unfair Dismissal

If your employment has been terminated (regardless of the reason) or you have resigned due to unfair treatment at work, your employer should have acted fairly and reasonably throughout the process and have abided by the ACAS Code of Practice on Disciplinary and Grievance Procedures. There are some grounds upon which an employer can dismiss an employee which are deemed to be fair, providing a fair process has been followed. If you think, however, that you've been unfairly treated, call us and we can help you decide whether to pursue the matter further.

TOP TIP:

- › In most cases employees need 2 years' service to make a claim to an Employment Tribunal but there are exceptions to the rule so take advice, regardless of your length of service.



Remember...

If something has happened to you at work such as discrimination, dismissal, or you have not been paid enough you must make a claim **within three months** of what has happened. So don't delay. Take advice as soon as you can.



Who are QualitySolicitors?

Your local legal experts

With 200 branches across the UK, our solicitors are local, approachable and professional – all of them meeting rigorous quality standards to be part of our network. Everything we do is designed to make life easier and less stressful for you when dealing with your legal matter. You can count on us to be professional, easy to get hold of and to keep you fully informed of what we're doing and the progress of your case. We're also open on Saturdays. So whatever else is going on in your life, dealing with QualitySolicitors won't be a hassle.



QualitySolicitors offer the following key promises:



Direct lawyer contact



Free First Advice



Saturday openings*



Clear Price Guarantee



Same-day response

Contact us for availability on Saturdays*



Next steps

If you'd like to find out more on how we can help you, the first step would be to give us a call for your **Free First Advice**. You'll speak with a friendly legal assistant who will take your details and discuss what you'd like to achieve.

For your Free First Advice, call
0149 288 4058.

Before you decide to instruct us to act for you, you may first want to have some specific questions and concerns answered. We offer a 45 minute, one to one, face to face advice service. This is confidential and with no obligation to go on to use our services. We call this our **£99 Ask the Legal Expert service**. To find out more:

- Pick up an Ask the Legal Expert brochure when you visit one of our branches and don't hesitate to call us.
- If you'd prefer to arrange the Ask the Legal Expert meeting online, go to www.qualitysolicitors.com/edwardhughes/services/employment-law



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