

**DISPUTE RESOLUTION DEPARTMENT
EMPLOYMENT LAW
MAY 2009**

EMPLOYMENT ACT 2008

The statutory disciplinary and dismissal procedures (DDPs) and the statutory grievance procedures (GPs) are repealed from 6 April 2009, but their effects will be with us for some time. The transitional rules are as follows:

If, **on or before 5 April 2009**, the employer has:

- Sent a letter to an employee setting out the alleged conduct or other characteristics or circumstances which led the employer to contemplate dismissing or taking disciplinary action against the employee

- or -

- Held a meeting, informed the employee of his decision and notified the employee of his right to appeal

- or -

- Dismissed the employee

the old statutory DDPs will still apply.

As for employee grievances, **the old GPs will still apply** where the action about which the employee complains occurred **wholly before 6 April 2009** AND the employee has set out the grievance in writing and sent it to his employer OR the employee has put in a complaint to the employment tribunal.

In addition, **the old GPs will apply** where:

- The action which forms the basis of the grievance begins on or before 5 April 2009 AND continues beyond that date

- and -

- The employee presents a complaint to the employment tribunal OR sets out the grievance in writing and sends it to his employer on or before 4 July 2009 under a jurisdiction listed below

- or -

- The employee presents a complaint to the employment tribunal OR sets out the grievance in writing and sends it to his employer on or before 4 October 2009 under a jurisdiction listed below and there is a claim for unfair dismissal in connection with industrial action

- or -

- The employee presents a complaint to the employment tribunal OR sets out the grievance in writing and sends it to his employer on or before 4 October 2009 for breach of the equality clause (equal pay) or for redundancy pay.

The jurisdictions concerned are, broadly speaking, all forms of unlawful discrimination in employment; detriments relating to union membership and collective bargaining; claims for unlawful deductions from wages and claims for breach of Working Time Regulations.

**If you require any advice or assistance about an employment matter,
please contact Deborah Driscoll in our Dispute Resolution Department.**

Disclaimer

The content of this article is intended for general information purposes only and is not a substitute for specific advice. It is based upon our understanding of the legal position as at May 2009 and it may be affected by subsequent changes in the law. We cannot accept responsibility for any loss as a result of acts or omissions taken in respect of this article.