



Information Sheet: Employment Law for Directors and Employees

At Alsters Kelley, we have long experience of helping employees through problems at work, and where appropriate acting with determination to enforce your human rights or your right to work.

Whether dealing with problems at work or a dismissal, you can be assured of a personal and sympathetic approach and an effective response when your rights have been infringed.

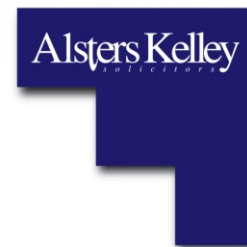
The employment law team has been “Recommended” by The Legal 500 (the definitive guide to law firms) each year since 2005. It is the only firm in Coventry and Warwickshire to achieve this distinction.

Problems at work can include:

- bullying and harassment
- sex discrimination or sexual harassment
- discrimination on grounds of pregnancy or maternity or for taking time off for family
- race discrimination or racial harassment
- discrimination on grounds of nationality or racial or ethnic origin
- discrimination on grounds of religion or belief
- age discrimination
- disability discrimination and the duty to make adjustments
- unlawful deductions from wages

These problems can arise at any time including the end of employment when complaints can also include:

- unfair dismissal
- constructive dismissal
- unfair selection for redundancy
- wrongful dismissal
- claims over false or misleading references



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Employee Representatives

We often act for groups of employees and their elected representatives. Often in non-unionised workplaces, representatives are elected to represent the workforce in consultations over redundancies or transfers of a business. Training is rarely provided and newly elected representatives are often in urgent need of support and guidance in the negotiations.

We understand the delicacy of the role of an employee representative, and are we experienced at providing you with guidance and support to achieve the best outcome for those you represent while minimising conflict and risk.

Executive Severance

We act both for businesses, and for senior executives on executive severance. This can be a painful process with loyalties divided. We recognise the sensitive nature of these situations, and have the skills to resolve conflict and bring about positive outcomes.

For executives considering working in or establishing a competing business, issues of post-termination restrictions, or duties of confidentiality or intellectual property can have a central importance, and early advice can make the difference between the success or failure of a new opportunity.

We can advise on the limits of your post-termination restrictions and, where necessary, give you the guidance and support to successfully negotiate your exit on favourable terms.

Our expertise is second to none in advising on and protecting your employment rights, both arising from the contract and from the complexities of modern employment protection legislation.

Issues can arise involving share ownership and sale, or if problems cannot be resolved amicably, you may need support in litigation. The close integration of our Employment team with our Company Commercial and Commercial Litigation teams allows you the assurance of having specialists in each field available to you.

Our aim in litigation is to work closely with you to ensure that the dispute is resolved as swiftly and as economically as possible, allowing you to focus on your future career, or your next business opportunity.



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Compromise Agreements

We are pleased to advise employees on Compromise Agreements, also known as compromise contracts or severance agreements which are an increasingly frequent way to bring employment to an end.

A compromise agreement is often offered as a part of a redundancy programme or a reorganisation, and can be offered where there is any employment dispute.

Our approach is to make a full and proper assessment of the situation and ensure that you are fully aware of your rights before you sign any agreement. We are careful to ensure that the terms of the agreement are a fair deal for you, and where necessary we will intervene to ensure that you are treated fairly and decently.

Normally the legal fees for a compromise agreement will be paid by your employer or former employer, and we will explain how this works at the start of our advice to you.

Funding

Funding Employment Tribunal representation is often difficult. We do not recommend “no win no fee” arrangements for Employment Tribunal claims normally (although they are ideal in many personal injury cases) but we will consider them in some exceptional cases.

Public funding through Legal Aid is now only available for Employment Tribunal cases through free advice centres in Coventry and Nuneaton.

However, we will consider with you the best way to pay for legal advice and support with your claim, which can include funding from insurance, or planning the funding of your claim through staged payments.



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If you need any further information about matters in this information sheet, please do not hesitate to contact us.