

Employees can be dismissed:

- Incompetent (not able to do work)
- Incapable (come drunk or late to work)
- Redundancy (economic reason)
- Qualifications
- Gross misconduct e.g. theft.

## REMEDIES:

- (1) Reinstatement (giving job back + same position)
- (2) Re-engagement (come back to workplace but not with same position)
- (3) Compensation (doesn't want work back + the most common remedie)

Employees cannot be dismissed:

- Pregnancy
- Religious/Political beliefs
- Singing to employer
- member of traveling community
- belonging to trade union or union activities including going on strike
- race, colour, sexual orientation.

# Unfair Dismissals Act 1977 - 2004

## Constructive Dismissal

- It's where working conditions are not proper for employee so he/she decide to leave, e.g. bullying.

## Proper Procedure in a Dismissal Case:

- Employee has a right to know the reason/evidence and a fair opportunity to respond:
  - \* verbal warning
  - \* point out what's wrong
  - \* written warning
  - \* final written warning
  - \* suspension
  - \* dismissal

## Enforcement of the act:

- a worker who feels that he/she has been unfairly dismissed can take the case to rights Commissioner or the Employment Appeals Tribunal (EAT)

## Employment Appeals Tribunal (EAT):

- Independent body, responsible for implementing employees' right under the law.
- Consists of 3 people: chairperson, a representative from trade union and from an employers organisation

## Evaluation of Act / this act is effective because:

- employee cannot lose their job for spurious reason. Employer has to have legitimate reason for dismissal.
- Employee has place to go and get justice in the LRC's. This is free so they have nothing to lose.