

**EMPLOYMENT LAW UPDATE**  
**MARCH 2009**

With effect from 6 April 2009, the statutory dispute resolution procedures will be abolished.

This means that the disciplinary and dismissal procedures and grievance procedures will no longer apply. Automatic unfair dismissal for failing to follow the statutory procedures will be removed.

The ACAS Code of Practice (“the Code”) will replace the statutory procedures.

The Code is not legally binding on either employers or employees, but the Employment Tribunal will take the Code into account when considering the fairness or otherwise of the procedure followed. An Employment Tribunal will be able to increase awards by up to 25% for an unreasonable failure by an employer to follow the Code.

ACAS has also published an 84 page guidance to supplement the Code.

In essence the new Code is a return to “old” employment law and will provide Employment Tribunals with more scope to apply its discretion when considering any claim for unfair dismissal or constructive dismissal.

Transitional rules will apply to disciplinary procedures commenced before 6 April 2009 and to grievances if they relate to something that has happened before 6 April 2009.

Employers are advised to check their present disciplinary and dismissal policy and grievance policy to ensure compliance with the Code.

Should you require any advice in relation to the new Code and its effects, or any other employment issue, please contact any member of the employment team at Eaton Ryan & Taylor; Neil Eaton, Andrew Connock and Jill Jack.

This note is for guidance only. It should not be regarded as a substitute for taking legal advice from your usual contact at Eaton Ryan & Taylor.

