This chapter considers the termination of employment, and how it is governed by statutory measures—in cases of unfair dismissal—and the common law—in cases of wrongful dismissal. Each of these provisions outlines important factors when the contract is to be ended. Being aware of the procedures involved in each of these areas of law will ensure terminations can take effect without unnecessary recourse to court or tribunal action, saving time and money. In dismissing an employee, the law provides for the correct procedure to be adopted, the potentially fair reasons that justify a dismissal, along with automatically unfair reasons to dismiss an employee. Disregarding these may lead to claims for unfair dismissal, the defence of which can be expensive for employers.

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21. Unfair Dismissal and Constructive Dismissal

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