16. Introduction to Unfair Dismissal and Substantive Fairness

This chapter begins with a contextual and historical introduction to unfair dismissal law, which seeks to regulate arrangements pursued by employers that result in the dismissal of their employees. It covers the efficiency of unfair dismissal laws; the structure, nature, content, and shape of unfair dismissal laws; and the rationale for the introduction of the unfair dismissal laws in the UK. It then examines the statutory unfair dismissal regime contained in Part X of the Employment Rights Act 1996, and the meaning of the ‘substantive fairness’ of the dismissal. In the final section, the chapter considers the response of the courts and tribunals to the provisions on substantive fairness of dismissals.
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