

Labour and Employment Client Service Group

From Bryan Cave London

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UK Unfair Dismissal Qualifying Period Increases

The qualifying period for a UK employee bringing an ordinary unfair dismissal claim increases tomorrow, from one to two years of continuous service.

In the past, employees in the UK who had served more than one year of "continuous service" (i.e. total service within the same corporate group) have been able to bring an unfair dismissal claim challenging the fairness of their dismissal.

However, any employee in the UK who commences employment from tomorrow onwards will normally need to accrue two years of continuous service before being entitled to bring an unfair dismissal claim.

The increase in the minimum service period has been introduced by the current government to address the current economic crisis and make it easier for employers to deal with underperforming employees.

It is important to note that the increase in qualifying service time does not have retrospective effect, so it will not apply to any employee who commenced employment with the same employer/within the same corporate group prior to tomorrow. In addition, there remains no minimum period of qualifying service before an employee can bring a claim that he or she was dismissed for a discriminatory reason, or for being a "whistle-blower".

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