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Preface

Since the advent of modern employment protection legislation many books have been written on employment law, but few of the established textbooks give a detailed account of the statutory and common law remedies available to employees who are dismissed. In practice, the remedies are almost as important as the rights themselves as most employees will want to know what they will get if they win and most employers will want to know the extent of their potential liability if they lose. It is a statistical fact that most cases are settled and the likely remedy, and in particular the level of any award of compensation, is obviously a critical factor in reaching a negotiated settlement. This book therefore aims to give a detailed, practical and balanced account of the statutory and common law remedies available on dismissal. It is written for all those involved in this area of law from the specialist lawyer to the non-lawyer.

The book is divided into four sections. The first section deals with wrongful dismissal and covers the remedies for dismissal at common law — in particular damages for wrongful dismissal. The second section, which is the longest, examines the statutory remedies for unfair dismissal. It analyses how an award of unfair dismissal compensation is calculated and the grounds on which an award may be reduced. The third section is devoted to the computation of redundancy payments and the grounds on which such payments may be reduced. The final section of the book considers the particular remedies available in cases of unlawful sex or race discrimination. Detailed consideration is given to the power of tribunals to award compensation for injured feelings and aggravated and exemplary damages in such cases. It should be noted that some common law concepts have been incorporated into the statutory provisions and for this reason wrongful dismissal cases are sometimes referred to in the context of unfair dismissal and unfair dismissal cases are sometimes referred to in the context of wrongful dismissal. With regard to the problem of gender, I would like to make it clear that, although it has been necessary on occasions to use 'he' rather than 'he or she', where the context so admits, the masculine includes the feminine and I apologise to anyone who may feel offended by the use of the masculine form.

Much of the original research for this book was carried out while I was a researcher at Industrial Relations Services and, in this context, I would like to

acknowledge the respective contributions of Joe O'Hara and Edward Benson to the original manuscript. I would also like to acknowledge the contribution of Venessa Robinson, who was Tolley's legal editor at the time when the book was first published and I would like to thank Tolley Publishing for releasing the copyright, thereby paving the way for the 'second' edition. The material has, of course, been fully updated to take account of both the statutory and caselaw developments since 1987. In that task, I have been greatly assisted by my colleague David Cohen, who contributed the sections on profit-sharing and share options, and by Raymond Jeffers, who rewrote and updated the chapter on pension loss. I would also like to thank John Bowers for his valuable comments on the manuscript and Blackstone's editorial team. Last but not least, I would like to acknowledge the encouragement and support I have received from my parents, friends and colleagues both at IRS and Paisner & Co., particularly Stephen Levinson.

An occupational hazard of writing any legal textbook is that some important new case is inevitably going to be decided after the 'deadline' for completion of the manuscript has passed. This book is no exception as the EAT has recently given its decision in *Payne and Others v Port of London Authority*. The case raises a number of important issues relating to the meaning of 'practicability' in the context of an order for reinstatement or re-engagement. I have been able to incorporate the EAT's ruling into the book but the parties have indicated their intention to appeal. The text has been updated to include the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992. The book therefore represents my understanding of the law as it existed October 1992.

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Paisner & Co.*

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