

Selwyn's Law of Employment

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Law of Employment

Preface

This book aims to state the modern law of employment in a manner which is accurate, up-to-date and readable, for the benefit of employers and employees generally and, in particular, for lawyers, students, managers, personnel specialists and trade union advisers.

Since the last edition there has been the usual spate of legislative activity and relevant provisions have been incorporated into the text. These include the Wages Act 1986, the Sex Discrimination Act 1986, the Social Security Act 1986, the Consumer Protection Act 1987, the Employment Act 1988 and the Local Government Act 1988.

The courts have continued to expound and expand the parameters of employment law and decisions of particular importance have been incorporated into the text, including the recent cases of *Polkey v A. E. Dayton Services Ltd*, *Rigby v Ferodo Ltd* and *Brown v Stockton-on-Tees Borough Council*. I have also revised the text in various parts, in an attempt to increase clarity and understanding. I decided to include in the Appendix the guidance booklet issued by ACAS entitled 'Discipline at Work'. Although this is non-statutory, and hence without any legal force, the booklet contains a great deal of sound commonsense and may be usefully studied by all levels of management.

The Government have announced an intention to change the law so that statutory redundancy payments will be payable to men and women up to the age of 65 (or normal retiring age where this is below the age of 65 and non-discriminatory) but at the time of writing the appropriate legislation has not been introduced. Also in the pipeline are proposals to make further amendments to the Sex Discrimination Act, to amend the restrictions which are placed on the hours and times when young persons may work, and to lift certain restrictions which are currently placed on the type of work which women may not do on health and safety grounds. The inexorable march of employment law goes on!

Preface

The Government have recently issued a consultative document proposing certain changes to industrial tribunal procedure. One suggestion is that the pre-hearing assessment should be abolished, and replaced by a pre-trial review. A tribunal chairman would be given power to order that a party be required to make a deposit of up to £150 as a pre-condition of a case proceeding further, if he thought that the claim was likely to be ill-founded. A further suggestion is that interest should be paid on awards made by industrial tribunals, to be paid from the end of 28 days from the date when the award was promulgated.

In the first edition of this book, I made a plea for some form of consolidation and/or codification of the law, so that rights and duties should not be overlooked due to ignorance. With so many amendments to the law being made in recent years, the need is greater than ever.

My thanks are due to the various members of the staff of Butterworths Ltd for seeing this edition through with their usual courtesy and helpfulness.

Solihull
West Midlands
April 1988

NORMAN SELWYN

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