

THE LAW OF

UNFAIR DISMISSAL

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Butterworths

The Law of Unfair Dismissal

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with appendices on procedure by

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Preface

Since its introduction in 1972, unfair dismissals legislation has become a firmly established element of statutory employment protection. In the past year alone, more than 39,000 complaints were lodged with, and more than 5,000 cases were heard by, industrial tribunals. Yet a precise understanding of the current state of 'the law of unfair dismissal' is not easy to obtain. The current statutory language appears in three different enactments: the Trade Union and Labour Relations Act 1974, the Employment Protection Act 1975 and the Trade Union and Labour Relations (Amendment) Act 1976. The authoritative judicial interpretations of this statutory language that guide industrial tribunals in their application of the 'law' are an amalgam of decisions of three different specially appointed appeal bodies—the National Industrial Relations Court (1971–74), the High Court, Queens Bench Division (1974–76), and the Employment Appeals Tribunal (1976–)—as well as the decisions of the Court of Appeal and the House of Lords.

In the face of this complexity, the purpose of this book is to provide an analysis of the law of unfair dismissal that takes stock of the current state of the law and also serves as a framework for understanding and following new developments in the case law. This framework will be useful for the preparation of cases for industrial tribunals and for the consideration and preparation of appeals from particular tribunal decisions. In appendices IV and V, John Angel has provided a description of and commentary upon industrial tribunal and Employment Appeal Tribunal procedure which complements the discussion of the case law in the main body of the text.

Steven D Anderman
University of Warwick
March 1978

Abbreviations

Statutes

CEA	Contracts of Employment Act 1972
EPA	Employment Protection Act 1975
HSWA	Health and Safety at Work etc. Act 1974
RPA	Redundancy Payments Act 1965
TULRA	Trade Union and Labour Relations Act 1974

Courts and tribunals

CA	Court of Appeal
EAT	Employment Appeal Tribunal
HL	House of Lords
IT	Industrial Tribunal
NIRC	National Industrial Relations Court
QBD	High Court, Queens Bench Division

Reports

AC	Law Reports, Appeal Cases, House of Lords and Privy Council
All E R	All England Law Reports
Ch D	Law Reports, Chancery Division
ICR	Industrial Cases Reports
IRLR	Industrial Relations Law Reports
ITR	Industrial Tribunal Reports
KB	Law Reports, King's Bench Division
QB	Law Reports, Queen's Bench Division
TLR	The Times Law Reports
WLR	Weekly Law Reports

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