

Welcome to the latest edition of our employment news letter for H.R professionals. We hope you will find this article interesting and useful

BE CAREFUL WHAT YOU SAY!

In *Publicis Consultants v O'Farrell*, an employee entitled to three months' notice was dismissed with 4 days payment.

The dismissal letter did not state that she would receive her notice but stated that she would receive an ex gratia payment equivalent to three months' salary.

She brought a breach of contract claim for her 3 months' notice period.

The employer argued that the ex gratia payment was actually made in respect of the notice period.

The Tribunal and EAT disagreed. They found that the payment was an ex gratia payment and that the employer was in breach of contract.

Even if there had been any ambiguity, as it had been the employer who had drafted the letter, the interpretation of the letter would still have been in the employee's favour.

When dismissing employees therefore with notice pay, be careful to make it clear what the payment refers to!

If you have any questions which relate to any aspect of employment law, please just e mail us at info@lifeandlegal.com or call us on 0845 6434282.

We would be delighted to answer your questions or put you in touch with our own Employment law specialists.

This newsletter has been produced jointly by Life & Legal and Schofield Sweeney Solicitors, Leeds.