



Employment Tribunals – Breach of Contract & How to Tackle It

Your contract of employment is a legally binding agreement and a breach of contract occurs when either you or your employer breaks one of the terms.

Examples of how your employer could breach your contract include not paying your wages or changing your agreed hours. Sometimes not all of the terms of your contract are written down and there could be a breach of contract over something that has been verbally agreed, or has become well established custom and practice. Also the law puts some terms automatically into your contract, such as the right to minimum notice periods and the right to paid holiday.

What to do if you think your employer has breached your contract

First you must check your contract to make sure; if there has been a breach of contract it's best to try to iron out the problem with your employer first.

But if you can't sort out the problem it may be that you decide to take legal action against your employer.



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What does legal action involve?

You must think carefully about taking legal action and it's best to take legal advice to decide whether you really do want to go ahead.

For a start you will only get compensation – or 'damages' – if you can prove financial loss such as not being paid your wages. You cannot claim compensation for hurt feelings or distress or inconvenience.

You must also take into account that your employer might even take out a counter-claim against you.

To make a claim for unlawful deduction of wages at an Employment Tribunal your claim must arrive at the Employment Tribunal no later than three months less one day from the date of your deduction of pay (or the last of a series of deductions of the same kind).

Other breach of contract claims can only be made in the Employment Tribunal after the employment has come to an end and your claim must be lodged within three months of the date your employment ended.

You will usually need to supply evidence such as your contract and any other relevant documents, so again it's best to consult a solicitor as to what you'll need to prove your claim.

You do have the option of going through the Civil courts, but Employment Tribunals are cheaper and often quicker.

If you are thinking about bringing an employment law claim and are looking for a solicitor call our freephone helpline on: **0808 129 3320**.

Got Legal Expenses Cover on your Home Insurance Policy?

It is important to note that if you have legal expenses cover on your home insurance policy you may be able to use this to fund the cost of instructing an employment law solicitor.

This guide contains information on current legal issues applicable at the time of printing. Note there may have been changes subsequently which have not been incorporated in to the material. This guide is intended for information purposes only and its content should not be applied to any particular set of facts or relied upon without legal or other professional advice. For further information on how we can help you please contact:

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