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CONSULTATION  
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# Employment law

Our employment team has a reputation for clear, pragmatic advice; assisting both **employers** and **employees** throughout the region for many years.

When things are going well employees are the biggest asset of a business. On the other hand, when things go wrong, employees can also become the biggest problem and headache. Ison Harrison have been preparing and representing both employers and employees at employment tribunals for over 15 years and have become specialists in resolving any sort of employment dispute.

Businesses find it daunting to keep up to date with the fast changing pace of employment laws. We are pro-active and offer pragmatic and cost effective advice and solutions to problems which a business may encounter with the aim of avoiding the dispute escalating.

We can advise on recruitment, prepare employment contracts and policies to avoid things going wrong in the first place, and advise upon any employment issues that may arise.

## The Employment Tribunal

We appreciate this can be an extremely stressful experience. As we act for both employers and employees we have the advantage of being able to see things from both perspectives. In most cases, your Solicitor will also represent you at the final hearing, which means clients benefit from continuity throughout the case.

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The **Leeds** Law Firm

 **ison harrison**  
solicitors

## What our clients say...

"I must admit, I was a little nervous, but your demeanour soon put me at ease. Your advice was concise and put to us in plain English. If I ever need a solicitor again, you will be first on my list to contact"  
**Mr Sugden (Leeds)**

"A very professional service with excellent communication"  
**Mr Kitson (Leeds)**



"I was delighted with your service and have passed your name round to friends"  
**Ms Stevens (Huddersfield)**

"Service was excellent - honest, truthful and very helpful. I do not think you could improve on what you have. I will be forever grateful for your help."  
**Ms Moye (Sunbury)**

## Frequently Asked Questions

### What is Unfair Dismissal?

A dismissal can be unfair if an employer does not have a lawful reason to dismiss (common examples are misconduct, performance and redundancy but there are others) or an employer does not follow the correct procedure before dismissal.

Dismissal can also be automatically unfair for a number of reasons. Examples include pregnancy, maternity, health and safety, assisting a colleague in connection with disciplinary or grievance hearings or enforcing legal rights. Examples of legal rights include insistence upon a contract, time off for dependants/parental leave/antenatal care, protection against unlawful deduction of wages/minimum wage, blowing the whistle in relation to wrongdoing by an employer.

### What about Discrimination?

The Equality Act offers protection against discrimination or being subjected to any detriment or disadvantage on the following "protected" characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### Who can bring a claim?

Only employees can bring a claim for unfair dismissal. They must have been in continuous employment for a minimum of two years from 6th April 2009. If they were already in employment before 6th April 2009 then the minimum period of service is 12 months.

There are no minimum service requirements to bring a claim for automatic unfair dismissal or discrimination.

Agency workers do not have a right to bring a claim for unfair dismissal but are protected against discrimination.

Employees and non employees such as workers and agency workers can bring discrimination claims.

### Will it cost anything?

The best thing to do is to seek advice as various methods of funding are available including no-win no-fee arrangements. At Ison Harrison we can offer a free initial diagnosis, when we can also explore funding options.

The Government intends to introduce fees to issue claims and to request a hearing. Exceptions will however apply for those on low income.

### What can an employer do to prevent a former employee from setting up in competition?

Ideally the employer should protect his/her interests by 'restraint of trade' clauses in the employee's contract. The clauses have to be carefully drafted to ensure they can be relied upon in any court action, and should be no wider than necessary in order to protect the employer's legitimate business interests. Whilst in employment the employee will owe an implied duty to act in his/her employer's best interests.

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