

Isle of Man Employment Law

We understand that any personal employment dispute can be extremely emotional, stressful and frustrating for you. We will listen to you and discuss what course of action you could take.

Redundancy

Redundancy is where the termination of an employment is because the employer either no longer has need for the employee to do the kind of work for which they are employed or that need is diminished. The usual reason for this is because the workplace is closing down or there is a downturn in trade.

In a redundancy situation the employee's job will usually have disappeared entirely. If the employer immediately replaces the employee they have claimed to have been made redundant then that is not redundancy.

Generally speaking, in order to claim a redundancy payment you need to have been dismissed by your employer. But for a few exceptions, if you resign you are not entitled to a redundancy payment.

After two or more years of continuous employment an employee has the right to statutory redundancy pay if he or she is made redundant.

Not everyone is entitled to statutory redundancy pay and there are exceptions. The most significant exception is if your employment is terminated on or after your 65th birthday or whatever the normal retirement age for your job is.

Should you feel that you have a query regarding an employment issue, then please contact a member of our team for further assistance, details of which are below.

Unfair Dismissal

An employee has the right to 'not be unfairly dismissed'. It is for the employer to show the reason for an employee's dismissal and that it was justified. An employee does not have to prove that he or she was unfairly dismissed.

A claim for unfair dismissal may not normally be brought if an employee has not been in continuous employment with their employer for a period of at least one year, or where an employee has reached the employer's normal retirement age (or in the absence of one has reached the age of 65).

In instances where dismissal is because of certain kinds of discrimination or victimisation by reason of industrial action then a claim may always be made regardless of length of continuous employment or age.

In certain situations where you have felt you had no choice but to resign due to the behaviour of your employer or your colleagues then you may claim for constructive dismissal. Constructive dismissal is where the treatment you have received by your employer is so bad that you may terminate the contract and treat it as if your employment was terminated by your employer.

To prove constructive dismissal you must show:

- your employer was in breach of an express or implied term of your contract of employment;
- the breach (or series of breaches) was so serious as to entitle you to treat your employment as having been brought to an end by the employer; and
- you resigned because of the above breach of contract (and did not delay resigning for too long).

If the above can be shown, the Employment Tribunal will treat the claim in the same manner as an unfair dismissal claim.

If you are unfairly or constructively dismissed you have three months to bring a claim to an employment tribunal from the date your employment was terminated (i.e. normally the last day you were at work). This time limit is strictly enforced.

We are here for you...

Contact us today by email at enquiries@mannbenham.com or by telephone on **01624 639350** to arrange a convenient time to call you back, either by telephone or video call.



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01624 639350 or enquiries@mannbenham.com

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