Online Legal Advise

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Dear Sir or Madam

**Free Legal Letters and Documents: Templates and Examples**

Many thanks for visiting Online Legal Advise’ website. We attach copy of the document that you asked for and hope you will find it useful.

If we can be of any further help, please do get in touch by ‘phone or via our website.

Yours faithfully

Online Legal Advise

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**Redundancy on maternity leave: Grievance & without prejudice letter**

FAO: **[Employer]**
By email only to **[Email]**

**[Date]**

Dear Sirs

**Our client: [Your name]**

We write in response to your [Name]'s email of [Date]. We were appalled to discover your position in relation to [Your name]'s dismissal, and we can confirm that [Your name] will not simply allow [Employer] to proceed with such irregular conduct.

**Personal redundancy**

We have evidence of two separate conversations with [Your name]'s line manager [Name] (via Whatsapp and Skype) saying that this redundancy was personal and had been planned for a while.[Name] stated that it was organised by [Name], who is the CEO of [Employer]. [Name] did not like [Your name] because of her close relationship with [Name] the CEO of [Company name]. The messages with [Name]are set out below for your ease of reference:

**Whatsapp messages**:

* [Name] – I am sorry I couldnt prevent this.
* [Name] – Please go ahead and seek legal advice.
* [Your name] – I already have boss
* [Your name] – I now think this is personal
* [Name] – that we know for sure Annabel – any idea from who?
* [Name] – AH.. who else
* [Your name] – Because he is trying to get at Andrew?
* [Name] – Not sure of his motive, because you were apparently on his personal list.
* [Your name] – well thats really unfair.

**Skype messages:**

* [Date] – [Your name] Carl called yesterday, so I told him what happened
* [Date] – [Name]: Just got to know that…they had wanted to let you go with Iris
* [Date] – [Your name]: Why’s that?
* [Date] – [Your name] Anti Australian ?
* [Date] – [Name]: Sorry was on a call
* [Date] – [Name]: Not like that but highlighted to Andrew
* [Date] – [Name]: The point is lot of people were under the impression that you actually were let go along with Iris
* [Date] – [Your name] So what does that mean?
* [Date] – [Name]: That this was planned by Leisure Travel Enterprises long back
* [Date] – [Name]: But Andrew delayed it as much as he could
* [Date] – [Your name] So regardless of any cost cutting we did , I was going to lose my job anyway because [Name] wanted me out?
* [Date] – [Name]: Looks like…
* [Date] – [Name]: Why did AH not like you?

To date the UK business has not closed and you only say that it may close. It was not planned to close at the point when you dismissed [Your name] as she was asked to hand over her region to [Name]. [Name]'s email below highlights this:

On [Date], at [Time], [Name] <[Email]> wrote:

Hi Guys,

Kindly confirm.

Please note my comments against [Name]'s points.

Hi [Name],

UK closure is not confirmed yet, will be a part of the [Company name] discussions with [Employer]. This should happen shortly.

This undermines[Employer]'s claim that [Your name]'s redundancy is nothing personal. The longer the UK continues to operate, the longer [Your name]'s potential loss of income is. There were no objective criteria which were set out whereby [Employer] scored the people to be made redundant, and there was no proper consultation or any appeal process at all.

You say: “*In fact, the UK business has been unprofitable for a long time and when the HR Manager was made redundant last year the correct financial decision would have been to make [Your name]’s position redundant but we did not do that due to her pregnancy.*”

However [Your name] responds to this as follows: “[Name]*was notified of her redundancy in January 2015 and it became official at the end of her maternity leave in April 2015. I did not fall pregnant until the 26th of March 2015, I was not aware of my pregnancy until late April 2015 and did not inform the company of my pregnancy until late June 2015.*”

Please explain therefore why you say you knew about [Your name]'s pregnancy in January 2015, before she was actually pregnant? Given that your email of 26 January 2016 was sent openly and not without prejudice, we reserve the right to use that in court to show that you are deliberately attempting to distort the facts.

**Redundancy pay**

We are aware that other members of staff who have been made redundant have been given an additional number of months pay plus along with their notice pay and visa extensions. This is the minimum which **[Your name]** should receive, and refusing to pay her this is in itself a discriminatory act.

**Injury to feelings**

You say: “*We are not unsympathetic to the fact that [Your name] has recently had a baby.*” But [Your name] was sent Ahatsapp messages form [Name] 9 days after delivering her baby though an emergency C section and told to expect bad news. [Name] then went on holiday for 2 weeks whilst she was left in limbo, causing her huge amounts of stress and anxiety to the point where her Heath Visitor notified her Doctor that she is at risk of Post Natal Depression caused by you.

Given that her residency in the UK is tied to the [Employer] work visa, the timing of this move was reasonably foreseeable to cause injury to her feelings. She was also forced to move out of her flat with 2 months' notice without any formal communication of redundancy from[Employer].

Regarding [Your name]'s visa, you say: “we were happy to pay for legal advice for [Your name] so that she could understand the situation regarding her visa but now that she has instructed you we will leave that to [Your name]to take up.”

Monaco Solicitors are specialist employment lawyers, we are not immigration lawyers. This would be like asking a heart surgeon to perform a knee operation. Your approach here has caused [Your name] to fear having to leave the country with a baby too young to fly, without proper notice or consultation, and having already lost her job and her home.

**Selling insurance under [Your name]’s name**

[Your name] is still the authorised representative for [Employer]'s sale of insurance from its UK operations. She has pointed this out to you but still you have her registered and not changed this to anyone else.[Employer] therefore appears to be selling insurance to the public under false pretences.

**Alternative employment**

In [Your name]'s meeting with [Name], [Name] informed her that [Employer] would not be looking for alternative employment for [Your name]. Given that [Your name] travelled over from Abu Dhabi to work in London for [Employer], then [Employer] should have considered alternative employment for her not just in the UK but under its operations globally. [Your name] also offered to go part time, effectively halving her hours, yet she was not consulted about this offer.

**Transfer of Undertakings Protection of Employment Act**

[Employer] also has two sister companies which both own 50% of [Employer] which [Your name] could have worked for. [Company name] have a large office in London and it will continue to carry out some of the functions which [Employer] was performing. This is confirmed in the email from your [Name]  below, highlighted below:

**From:** [Name] - [Employer] < [Email]>
**Date**: [Date] at [Time]
**To**:[Name] - [Employer] < [Email]>, [Name] - [Employer] < [Email]>, [Name] - [Employer] < [Email]>, [Name] - [Employer] < [Email]>
**Cc**: [Name] - [Employer] < [Email]>
**Subject: UKHi**

[Name] and [Name] met with [Your name] yesterday. She has obviously not taken the situation well. She says the following are in her name so I told her not to cancel them yet but we need to have a closure action plan.

* Paypal account – under [Your name]  name and can not be passed
* Stationery Orders - doing with cash and then expensed
* Bank Account – [Name]  pls confirm bank account is under whose name
* Permission to sell insurance we will sell online from the website of [Employer] only, till we have another authorised rep appointed (this has to be a UK resident)

This is therefore a TUPE transfer situation and [Company name] will be added into any court claim which [Your name] may be forced to make.

**Length of service**

You state that “*[Your name] has held her position in [Employer] (UK) for less than two years and is therefore not eligible for redundancy payment.*” This is incorrect. [Your name] has responded to this as follows:

“*I have been employed by the company since July 2013 and we have an employment contract that was submitted to the Home Office stating that I have started the business on the 1st Feb 2014 signed by [Name] the CFO. We also have a lease agreement starting on the 9th December 2013 with a swift copy of the payment of 6 months rent from the Abu Dhabi HO. There are also official notorised documents stamped on the 13th Feb 2014 stating I work in the UK for my visa. There is also a notorised letter from[Name]the CEO stating the the UK business was registered on the 15th Jan 2014. – I have forwarded this to you already.*“

In the UK courts a Judge will not look at the contract of employment document in isolation, but will consider the context of the employment situation in general when deciding length of service. You have informed the UK Home Office that she was employed by your UK entity from early 2014. We are therefore 100% confident that her length of service is over two years. This means that you are infringing her rights not to be substantively and procedurally unfairly dismissed. You will also bear the burden of proof to show that in relation to this matter you are not discriminating against her on the basis of her maternity.

**Tax bill**

You say: “*Regarding outstanding tax on her benefit (apartment) this is to be settled by [Your name] to the Inland Revenue directly.”*

Your suggestion that [Your name] should pay the tax bill on the apartment is utterly disgraceful. The flat operated as [Employer] head office and still does. The UK [Employer] entity is registered to the flat. [Employer] has paid all the rent so far, as per [Your name]'s contract of employment. Therefore any tax due on the rent is expressly and/or impliedly to be paid by [Employer]. [Name], [Name] and [Name] have all informed [Your name] directly that[Employer] will be paying this bill.

The only reason that the tax bill is in[Your name]'s name is that she did [Employer] a favour when helping to set up the UK business – now you appear to be taking advantage of that. Again, in the absence of any rational explanation for your position here, it must be assumed that this is more discriminatory conduct by [Employer] aimed at [Your name].

**Out-of-Court Settlement**

As discussed on the call between our [Name] and your [Name],[Your name] would accept an amount in a settlement equivalent to 64 months gross pay, being £38,900, in addition to your paying the tax bill, a contribution to legal fees for a settlement agreement in the sum of £8500, and subject to contract.

We would also like written confirmation that**[Your name]'**s employment will end on the 14thMay 2016 at the end of her 3 month notice period.

This is the final offer and will remain open until 4pm on Thursday 17th March 2016, failing which [Your name] will have no choice but to issue court proceedings against [Employer], [Company name] , [Company name]  and also individual members of your management teams, without further notice.

Yours faithfully

**[Lawyer name]**