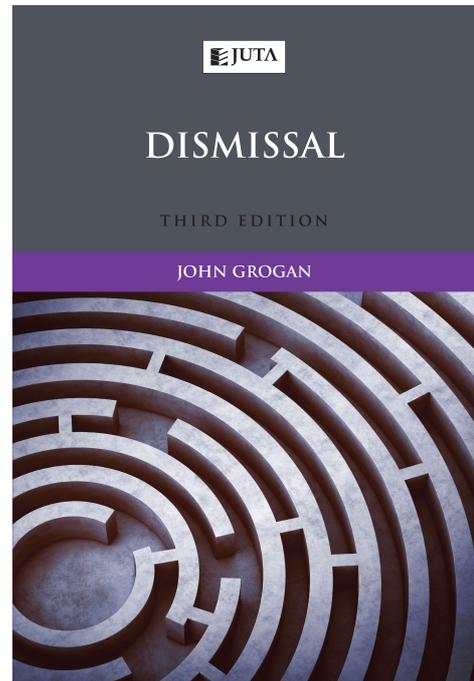


Dismissal

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About this Publication:

Dismissal remains the most thorough and comprehensive work available on a problem that confronts employers, lawyers, judges and arbitrators every working day – when is it fair to terminate the relationship with employees, for whatever reason this regrettable step may be deemed necessary?

This work deals with all the circumstances in which dismissals arise and are challenged – from dismissals for misconduct and incapacity, through retrenchments, automatically unfair dismissals, dismissals of protected and unprotected strikers, to the procedures required before such dismissals can lawfully be effected and challenged. Written in the clear and readable style for which the author has become acclaimed, the exposition of each principle is illustrated with examples drawn from the case law. This third edition adds many judgments handed down since the second edition was published four years ago, and incorporates judgments law and statutory amendments that have been handed down or enacted since then.

Dismissal forms a volume in a quartet by the author, and should where necessary be read with its companion volumes – *Employment Rights*, *Collective Labour Law* and *Labour Litigation & Dispute Resolution*.

Contents Include:

- Table of cases
- Introduction and overview
- What is a dismissal?
- Who may be dismissed?
- Was there a dismissal?
- When did the dismissal occur?
- Unfair dismissals
- Automatically unfair dismissals
- Dismissal for misconduct
- Specific forms of misconduct
- Procedural fairness in misconduct cases
- Group misconduct
- Misconduct outside the workplace and criminal conduct
- Discipline and shop stewards
- Dismissal for poor work performance
- Dismissal for incapacity
- Dismissal for operational requirements: Fair reason
- Dismissal for operational requirements: Fair procedure
- Dismissal for operational requirements: Selection and severance pay
- Closures, mergers, transfers and sales of businesses.
- Unilateral change to terms and conditions of employment
- Other reasons for dismissal
- Dismissal of unprotected strikers
- Procedures for challenging dismissals
- Remedies
- Costs in dismissal matters

Of Interest and Benefit to:

- Students
- HR and IR practitioners
- Legal practitioners
- Employers
- Employees
- Trade union officials