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## **Notice of Termination of Employment**

### **Where the employer gives notice**

Employees who have been continuously employed for at least one month must be given notice by their employer to terminate their employment as follows

- a) not less than one week's notice if the period of employment is less than two years.
- b) not less than one week's notice for each completed year of service from 2 years up to twelve years
- c) not less than twelve weeks' notice if the period of continuous employment is in excess of twelve years.

These are statutory minimum entitlements to notice **unless the employee has been dismissed for gross misconduct**. The contract of employment may entitle the employee to longer notice than the statutory minimum.

### **Where the employee gives notice**

If the employee gives notice of termination, his/her obligation at law is to give one week's notice only. This does not increase with service. Again, however, the contract may require the employee to give more notice than this.

### **Other points regarding notice**

- 1 There is no statutory requirement that notice be given on or expire on any particular day of the week or month. It is up to the employer and employee to agree this sort of detail as part of the contract terms agreed when employment begins.
- 2 Failure to honour either the statutory minimum notice or the contractual notice if greater represents a breach of contract and the employee can make a claim to the Employment Tribunal or to the court. (The employer could also, in theory, make a claim for breach of contract against the employee in the County Court but to win such a claim, he would be required to be able to quantify the losses incurred as a result of the breach by the employee).

- 3 Voluntary workers who are not employed under a contract of employment have no rights to notice nor do they have to give notice.

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