

CONSTRUCTIVE DISMISSAL

If you are put into a position by your employer where you have no choice other than to resign, you may have been constructively dismissed. In order to show that you have been constructively dismissed, you need to show that:

1. your employer has breached a fundamental term of your contract of employment. Examples of this could be if your employer stops paying your wages or reduces your holiday entitlement or where your employer fails to provide you with a safe working environment or breaches the duty of mutual trust and confidence it owes to you (for example by failing to deal with a grievance properly or by belittling you in front of work colleagues or clients); and
2. you have not delayed in resigning in response to the breach; and
3. you have resigned because of your employer's conduct and not for some other unconnected reason.

If you have been constructively dismissed, you can claim unfair dismissal ([see factsheet on unfair dismissal](#)) and also wrongful dismissal ([see factsheet on wrongful dismissal](#)). If you can show that you have been constructively dismissed it is likely that your dismissal will also be unfair (subject to the usual qualifying conditions – [see factsheet on unfair dismissal](#)).