

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 (e.g. 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 because of 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 our factsheet on unfair dismissal) and also wrongful dismissal (see our factsheet on wrongful dismissal).

If you wish to bring a claim for constructive dismissal, you will need to pursue a grievance first with your employer – if you do not, the Employment Tribunal will not consider your claim.