

## 9. Awareness and Knowledge of Unfair Dismissal Rights

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### Key findings

Only one percent of respondents named unfair dismissal (unprompted or partly prompted) as an example of employment legislation. Women, white respondents, those in intermediate occupations, and in the public administration, education and health sectors, along with permanent employees and union members are most likely to cite unfair dismissal legislation.

On the other hand the vast majority of respondents (90 per cent) were aware of the existence of such legislation, when prompted. Prompted awareness was higher among women, whites, older and better qualified people, as well as those in managerial and professional jobs, full-time workers and union members.

Substantive knowledge of the details of the legislation in this area varied — thus, less than a quarter of respondents correctly identified the time limit for tribunal applications in unfair dismissal cases, whereas nearly 90 per cent knew that an employee could be represented in disciplinary/grievance meetings with their employer.

Substantive knowledge of unfair dismissal legislation is higher among full-time employees, permanent staff and union members (than among part-timers, temporary employees and non-members).

The very small proportion of respondents who had experienced an unfair dismissal situation were, however, significantly more likely to demonstrate informed awareness of unfair dismissal legislation, and to demonstrate substantive knowledge of the details of the legislation.

Faced with three unfair dismissal scenarios, over 90 per cent of respondents identified a scenario of unfair dismissal on grounds of sexual orientation as unlawful. In scenarios related to unfair dismissal on grounds of age, and sickness, the proportions fell to 83 per cent and 69 per cent respectively. Women are more likely than men to identify the scenarios as unlawful in all three cases.

Whether the identification of the scenario as unlawful was based on knowledge of the underlying legislation varied — thus only 16 per cent of those identifying the sexual orientation example as unlawful could base their reasons for this in the relevant legislation, whereas for the age and sickness examples the proportions were 44 and 58 per cent respectively.

When asked if they would take action when faced with a situation similar to that described in the scenarios, the vast majority of respondents (over 90 per cent in each of the scenarios) said yes.

In Chapter 9, which is the last of those looking at specific areas of employment law, we present findings on respondents' awareness and knowledge of their rights and legislation with regard to unfair dismissal.

## 9.1 Informed awareness (unprompted and partly prompted)

This section is based on those responses to the question:

*'Can you tell me of any laws that protect your rights at work?'*

in which the individual named legislation protecting employees from unfair dismissal.

Table 3.5 in Chapter 3 showed, however, that only a very small minority of respondents (1 per cent) named unfair dismissal legislation in response to this question or after a further prompt.

In Tables 9.1 to 9.3, therefore, we present a more detailed breakdown of this group of respondents by their various characteristics and experiences — the conclusions which can be drawn are, however, heavily limited by the very small number of respondents involved.

From Table 9.1, which looks at personal characteristics, we can see that:

- women are more likely than men to mention unfair dismissal
- white respondents are more likely than non-whites to mention unfair dismissal
- there are no clear patterns by age or educational level.

Turning to employment characteristics (Table 9.2), and again exercising some caution because of the small number of cases involved, and the fact that unprompted/partially prompted awareness of unfair dismissal legislation is extremely low in all categories, we can see the following:

- White collar and skilled manual employees are more likely to cite unfair dismissal than those in lower level occupations (in which groups there are no respondents who cite this legislation).
- Unprompted or partially prompted awareness of unfair dismissal rights is more common in the public administration, education and health sectors than elsewhere.

- There is no clear pattern by size of workplace, or by working time pattern.
- Permanent employees and union members<sup>1</sup> are more likely to cite unfair dismissal rights than temporary staff and non-union members.

**Table 9.1: Informed awareness of unfair dismissal rights by personal characteristics**

Personal characteristics	Informed Awareness (unprompted or partly prompted)	
	Named unfair dismissal	Unweighted base
Gender (%)		
Male	0.9	444
Female	1.4	556
Ethnic origin (%)		
White	1.2	949
Non-white	0.0	45
Age (%)		
16-25	1.4	139
26-35	0.4	273
36-45	0.7	276
46-55	2.7	228
56-64	0.0	81
Highest qualification (%)		
No qualifications	0.0	150
NVQ 1	3.4	96
NVQ 2	0.7	221
NVQ 3	0.7	173
NVQ 4	1.0	283
NVQ 5	1.5	66

*Note: all percentages are row percentages.*

*\*= fewer than five respondents in cell.*

<sup>1</sup> It is worth noting that permanent employees are more likely to be union members than are temporary staff. Thus 32 per cent of permanent employees in the sample are union members, compared with only 11 per cent of temporary employees.

**Table 9.2: Informed awareness (unprompted or partly prompted) of unfair dismissal rights by employment characteristics**

Employment characteristics	Informed awareness (unprompted or partly prompted)	
	Named an unfair dismissal right	Unweighted base
Occupation (%)		
Managerial/admin	1.2	183
Professional/technical	2.2	196
Assoc. professional/technical	1.0	96
Clerical/secretarial	1.5	158
Craft/skilled manual	1.8	84
Personal/protective services	0.0	71
Sales	0.0	69
Plant/machine operatives	0.0	28
Other unskilled	0.0	101
Sector (%)		
Primary & extractive	0.0	21
Manufacturing, utilities & construction	0.8	198
Distribution, catering, transport <i>etc.</i>	0.8	234
Business and financial services	1.1	99
Public admin, education and health	2.2	313
Other services	0.0	68
Size of workplace (employees) (%)		
Under 15	2.0	173
15-49	1.7	198
50-199	1.0	211
200-499	2.1	123
500-1999	0.0	105
2000+	1.2	91
Employment status (%)		
Permanent	1.3	885
Temporary	0.0	102
Working time (%)		
Under 16 hours p.w.	0.0	75
16-34 hours p.w.	1.5	174
35 + hours p.w.	1.1	751
Union membership (%)		
Member	2.0	333
Non-member	0.8	642

*Note: all percentages are row percentages.*

Finally (Table 9.3), the very small proportion of respondents with direct experience of an unfair dismissal situation or similar at work, are substantially more likely than others to cite this right in response to the unprompted/prompted question.

**Table 9.3: Informed awareness (unprompted or partly prompted) of unfair dismissal rights by experience of problems at work relating to this area of law**

Experience of problem in relation to unfair dismissal	Informed Awareness (unprompted or partly prompted)	
	Named an unfair dismissal right	Unweighted base
Had experience of this area of law (%)	8.0	25
Experienced problems but not with this area of law (%)	0.7	140
No problems with employment law (%)	1.1	835

*Note: all percentages are row percentages.*

## 9.2 Informed awareness (prompted)

Following the unprompted and partly prompted awareness questions, respondents were asked a direct question about their awareness of unfair dismissal legislation. In contrast to the other areas of law, where a specific piece of legislation was covered, in anti-discrimination legislation a more general question was asked (covering several pieces of legislation), as follows:

*‘Another area of employment rights covers the right not to be dismissed unfairly. Were you aware of this right?’*

Although, as we saw above, very few people mentioned this area of legislation unprompted, when a direct question was asked, as many as 90 per cent of respondents said yes to this question (see Table 3.6), and below we look at how this proportion varies with respondents’ personal and job characteristics:

- women are slightly more likely than men to report prior awareness of unfair dismissal legislation
- white respondents are considerably more likely to report awareness than non-whites
- reported awareness tends to increase with age and qualification level.

**Table 9.4: Informed awareness (prompted) of the right not to be unfairly dismissed by personal characteristics**

Personal characteristics	Informed awareness (prompted)	
	Aware of right not to be dismissed unfairly	Unweighted base
Gender (%)		
Male	89.2	444
Female	91.0	556
Ethnic origin (%)		
White	91.1	949
Non-white	75.9	45
Age (%)		
16-25	88.7	139
26-35	84.9	273
36-45	90.7	276
46-55	93.7	228
56-64	97.3	81
Highest qualification (%)		
No qualifications	82.7	150
NVQ 1	90.9	96
NVQ 2	86.0	221
NVQ 3	92.8	173
NVQ 4	93.4	283
NVQ 5	97.1	66

*Note: all percentages are row percentages.*

Table 9.5 repeats this analysis by employment characteristics, and shows that:

- Respondents in non-manual and skilled occupations (especially managerial and professional jobs) are more likely than those in lower level occupations to report awareness of unfair dismissal legislation.
- Awareness is highest in financial and business services, and primary and extractive sectors, and lowest in the distribution, catering and related sectors.
- There is no clear relationship by workplace size.

**Table 9.5: Informed awareness (prompted) of the right not to be unfairly dismissed by employment characteristics**

Employment characteristics	Informed awareness (prompted)	
	Aware of right not to be dismissed unfairly	Unweighted base
Occupation (%)		
Managerial/admin	94.2	183
Professional/technical	95.7	196
Assoc. professional/technical	86.9	96
Clerical/secretarial	91.2	158
Craft/skilled manual	92.1	84
Personal/protective services	78.9	71
Sales	88.1	69
Plant/machine operatives	90.8	28
Other unskilled	82.5	101
Sector (%)		
Primary & extractive	94.7	21
Manufacturing, utilities & construction	89.5	198
Distribution, catering, transport <i>etc.</i>	85.8	234
Business and financial services	94.7	99
Public admin, education and health	92.1	313
Other services	86.7	68
Size of workplace (no. of employees) (%)		
Under 15	90.4	173
15-49	88.6	198
50-199	88.4	211
200-499	89.5	123
500-1999	95.5	105
2000+	89.0	91
Employment status (%)		
Permanent	89.7	885
Temporary	93.0	102
Working time (%)		
Under 16 hours p.w.	79.2	75
16-34 hours p.w.	91.7	174
35 + hours p.w.	90.4	751
Union membership (%)		
Member	92.5	333
Non- member	89.0	642

*Note: all percentages are row percentages.*

- Temporary workers are more likely to report awareness than their permanent colleagues (which contrasts with the earlier finding that they were *less* likely to cite this legislation unprompted or after an example).
- Part-time workers (working less than 16 hours a week) are less likely to answer that they were previously aware of this right, than are employees working longer hours.
- Union members are more likely to report prior awareness of unfair dismissal legislation than non-members.

Finally, once again (Table 9.6) respondents with experience of employment problems relating to dismissal are more likely than others to report that they were aware of their right not to be unfairly dismissed.

**Table 9.6: Informed awareness (prompted) of the right not to be dismissed unfairly by experience of problems at work relating to this area of law**

Employment characteristics	Informed awareness (prompted)	
	Aware of right not to be dismissed unfairly	Unweighted base
Had experience of this area of law (%)	96.0	25
Experienced problems but not with this area of law (%)	88.9	140
No problems with employment law (%)	90.1	835

## 9.3 Substantive knowledge

In this section we report the substantive knowledge questions about the detailed provisions of unfair dismissal legislation, which were asked of those respondents who reported having a prior awareness of the right not to be dismissed unfairly.

### 9.3.1 Details of the knowledge testing questions

Three substantive knowledge questions were asked about unfair dismissal:

- a multiple choice question about the time limit for taking a tribunal case of unfair dismissal against an employer
- a multiple choice ‘yes/no’ question about employee entitlement to representation in grievance or disciplinary meetings with their employer
- for those who answered, in response to the previous question that representation was allowed, a question (with multiple

answers, all correct) about what kinds of representatives are allowed under the legislation.

Table 9.7 below summarises these questions and the overall sample's response to them. Around a quarter correctly answered that the time limit for tribunal applications for unfair dismissal. Given, however, that respondents were offered four options, this response is close to what would have been expected if respondents had been answering randomly.

The vast majority, however, knew that they were entitled to representation in disciplinary or grievance meetings. When it came to who could advise them, the commonest responses related to union representatives and officials. Respondents were slightly less likely to know that they could be represented by other people such as colleagues, friends or other advisers.

**Table 9.7: Details of knowledge questions for unfair dismissal rights**

Question	Question type	Response option	% of those asked question	% of total sample
<b>Unfair dismissal questions: asked of those with prior awareness of unfair dismissal rights</b>				
If a person wants to complain to a tribunal about unfair dismissal they must do so within a set time from the date of the dismissal. How soon after the dismissal must they make their complaint? <b>(tribunal application – time limit)</b>	Multiple choice (4 options)	One month	21.1	19.0
		<b>Three months</b>	<b>24.2</b>	<b>21.8</b>
		Six months	13.0	11.7
		One year	7.4	6.7
		Don't know	34.3	30.9
		Unweighted base	900	1000
Is an employee entitled to representation in any meetings with their employer regarding disciplinary or grievance matters? <b>(discipline and grievance – right to representation)</b>	Multiple choice (2 options)	<b>Yes</b>	<b>89.4</b>	<b>80.5</b>
		No	2.9	2.6
		Don't know	7.7	6.6
		Unweighted base	900	1000
		Unweighted base*	874	1000
Which of the following can represent them? <b>(discipline and grievance – who can represent)</b>	Multiple response (4 options, all of which are correct)	Colleague/friend employed by same organisation	76.4	66.8
		Union representative (from their workplace)	93.8	81.9
		Union official (full time union employee)	86.3	75.4
		Other adviser	68.5	59.9
		Don't know	2.1	1.9
		Unweighted base*	874	1000

\* Note: as this question was multiple response, responses can sum to more than 100%.

As Table 9.8 shows, however, only just over half of respondents knew that all four of the possible types of representatives could represent an employee in disciplinary or grievance meetings.

**Table 9.8: Knowledge of representatives entitled to act in disciplinary/grievance meetings with employer**

	Number of options correctly identified	% of those asked question	% of total sample
0		2.1	1.9
1		4.9	4.3
2		11.2	9.8
3		29.2	25.6
4		52.5	46.0
Unweighted base (n = 100%)		874	1000

From Table 9.9 we can see that in some cases there is a positive relationship between respondents' self-assessment of their general level of awareness and/or knowledge of employment rights, and their substantial knowledge of unfair dismissal legislation as tested by these questions. In particular those who rated themselves well informed and knowledgeable were rather more likely than average to know that there was a right to representation in meetings with the employer, and considerably more likely than average to know that all four of the categories listed could act as a representative in this context. In the case of knowledge of the time limit for tribunal applications, however, there is no such relationship.

**Table 9.9: Knowledge of unfair dismissal rights by self assessed awareness/knowledge combined**

Self assessed awareness/knowledge	Substantive knowledge				
	Tribunal application time limit	Discipline and grievance right to representation		Discipline and grievance, who can represent (all 4 options selected)	
	Correct	Correct	Unweighted base	Correct	Unweighted base
Well informed and knowledgeable (%)	21.4	92.5	171	61.5	169
Well informed but could know more (%)	25.6	89.3	462	56.0	444
Not well informed and could know more (%)	23.2	88.0	244	40.0	240
Not well informed and not interested (%)	31.8	87.0	23	36.4	21

*Note: all percentages are row percentages.*

From Table 9.10, it can be seen that:

- Women are less likely than men to exhibit substantive knowledge of the tribunal application time limit and the right to representation at meetings with the employer.
- White respondents are more likely to know about the tribunal time limit for applications, while non-white respondents are more likely to know about the right to representation.
- In all three cases, knowledge appears to increase with age up to the 46-55 age group, but there is no clear relationship between substantive knowledge as expressed by the answers to these questions and respondents' educational level (except for knowledge of the right to representation, which appears to increase with qualification level).

**Table 9.10: Knowledge of unfair dismissal rights by personal characteristics**

Personal characteristics	Substantive knowledge				
	Tribunal application time limit	Discipline and grievance right to representation		Discipline and grievance who can represent (all 4 options selected)	
	Correct	Correct	Unweighted base	Correct	Unweighted base
Gender (%)					
Male	26.7	91.7	399	52.5	382
Female	20.8	86.7	501	52.7	492
Ethnic origin (%)					
White	25.4	89.1	862	54.0	837
Non-white	2.4	95.1	33	23.1	32
Age (%)					
16-25	16.9	84.0	121	39.2	116
26-35	22.9	85.2	239	47.0	233
36-45	27.2	92.2	252	55.9	247
46-55	30.0	95.7	209	62.3	205
56-64	9.9	84.5	76	51.5	70
Highest qualification (%)					
No qualifications	26.8	81.7	123	51.3	115
NVQ 1	33.8	87.5	83	36.8	81
NVQ 2	22.4	87.4	198	51.8	194
NVQ 3	27.5	92.2	153	64.7	150
NVQ 4	21.7	92.5	270	55.3	265
NVQ 5	24.2	92.5	64	39.7	61

*Note: all percentages are row percentages.*

**Table 9.11: Knowledge of unfair dismissal rights by employment characteristics**

Employment characteristics	Substantive knowledge				
	Tribunal application time limit	Discipline and grievance right to representation		Discipline and grievance who can represent (all 4 options selected)	
	Correct	Correct	Unweighted base	Correct	Unweighted base
Occupation (%)					
Managerial/admin	25.5	93.8	172	59.4	167
Professional/technical	21.1	91.7	190	61.2	185
Assoc. professional/technical	12.8	95.3	85	50.0	84
Clerical/secretarial	26.4	84.0	142	57.3	139
Craft/skilled manual	21.9	90.5	74	51.4	73
Personal/protective services	32.4	80.6	56	37.7	55
Sales	13.5	85.3	60	55.7	57
Plant/machine operatives	47.8	98.6	25	50.0	25
Other unskilled	19.2	84.6	84	31.3	78
Sector (%)					
Primary & extractive	27.8	77.8	20	55.6	20
Manufacturing, utilities & construction	32.6	92.2	175	57.0	169
Distribution, catering, transport <i>etc.</i>	17.1	89.3	205	48.2	200
Business and financial services	16.9	84.3	96	44.0	93
Public admin, education and health	28.0	89.1	287	59.4	278
Other services	19.2	96.2	57	54.7	56
Size of workplace (no. of employees) (%)					
Under 15	19.7	84.8	155	48.0	146
15-49	22.4	87.1	180	43.3	176
50-199	19.1	90.7	190	61.9	187
200-499	21.9	94.6	108	66.1	107
500-1999	40.6	92.5	99	49.1	98
2000+	19.2	90.4	82	52.9	78
Employment status (%)					
Permanent	24.3	90.1	798	53.5	777
Temporary	23.3	88.2	11	50.0	87
Working time (%)					
Under 16 hours p.w.	14.3	73.8	60	46.3	58
16-34 hours p.w.	23.8	85.2	157	38.5	152
35 + hours p.w.	25.0	91.2	683	55.2	664
Union membership					
Member	29.7	95.4	303	58.1	297
Non-member	21.1	86.8	577	49.6	558

Note: all percentages are row percentages.

From Table 9.11 above, looking at employment characteristics, we can see that:

- there are no strong or consistent patterns by occupation, sector or workplace size in the responses to the substantive knowledge questions on unfair dismissal
- full-time employees, permanent staff and union members are all more likely to record correct answers to the substantive knowledge questions than are part-timers, temporary staff and non-unionised workers respectively.

As far as the relationship between experience of employment problems relating to dismissal and substantive knowledge of the unfair dismissal and related provisions, once again the conclusions are limited by the relatively small number of respondents with such experience (Table 9.12). The table does, however, show that while those with experience of problems of this type are, in all three cases much more likely to answer the substantive knowledge questions correctly.

**Table 9.12: Knowledge of unfair dismissal rights by experience of problem in this area**

Employment characteristics	Substantive knowledge				
	Tribunal application time limit	Discipline and grievance right to representation		Discipline and grievance who can represent (all 4 options selected)	
	Correct	Correct	Unweighted base	Correct	Unweighted base
Experience of problem in this area of law (%)	41.7	95.8	23	60.9	23
Experience of problem but not in this area of law (%)	26.9	89.2	120	42.9	119
No experience of problem (%)	23.2	89.2	757	54.0	732

*Note: all percentages are row percentages.*

## 9.4 Perception of entitlements (scenarios)

The three scenarios used to explore respondents' perceptions of the unlawfulness of hypothetical situations in the area of unfair dismissal were as follows:

### **Unfair dismissal on grounds of sexual orientation**

*Someone you know started work for a company just over a year ago. He has received lots of praise from his manager and colleagues about the standard of his work and he thinks the job is going really well. The manager discovers that he is gay and soon afterwards the man is dismissed on the grounds that it is 'not working out' and that he 'would be happier working elsewhere'.*

## Unfair dismissal on grounds of age

*You are friends with a woman who recently started work for a new manager within the company in which she has worked for the last twelve months. She looks much younger than she actually is. She received a lot of initial praise about the standard of her work from the new manager and thinks the job is going well. Her new manager discovers her age when he consults her personnel records and soon afterwards she is dismissed from the company on the grounds that 'the new position is not working out'.*

## Unfair dismissal in relation to sickness

*Your friend has very bad asthma. During the summer, she is forced to take a lot of days off sick. The employer feels that this is unacceptable and threatens to dismiss her.*

### 9.4.1 Extent to which respondents identified scenarios as unlawful

Table 9.13 shows that while the majority of respondents identified each of the three dismissal scenarios as unlawful, there were significant differences in the proportions who did so. Thus, the largest proportion answering correctly in this sense was found in the case of unfair dismissal relating to sexual orientation (over 90 per cent); this fell to just over 80 per cent in the case of the age-related unfair dismissal; and uncertainty was greatest among respondents in the case of the sickness-related case, fewer than 70 per cent of whom were convinced that this dismissal was unfair and therefore unlawful.

**Table 9.13: Perception of entitlement re: unfair dismissal rights**

Perception of entitlement	Scenario concerned		
	Unfair dismissal on grounds of sexual orientation (%)	Unfair dismissal on grounds of age (%)	Unfair dismissal in relation to sickness (%)
Identified as unlawful	92.4	82.9	69.4
Unable to identify as unlawful	7.6	17.1	30.6
Unweighted base (n = 100%)	208	199	193

### 9.4.2 Perception of entitlement by self assessed awareness/knowledge

There is no general evidence that those who assess themselves as well-informed and knowledgeable about employment rights across the board are more likely than others correctly to identify infringements of unfair dismissal provisions (Table 9.14). The main exception here relates to the sickness-related unfair dismissal scenario (which as we saw above was less likely to be

**Table 9.14: Perception of entitlement re: unfair dismissal rights by self assessed awareness/knowledge**

Self assessed awareness/knowledge	Scenario concerned					
	Unfair dismissal on grounds of sexual orientation		Unfair dismissal on grounds of age		Unfair dismissal in relation to sickness	
	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base	Identified as unlawful	Un-weighted base
Well informed and knowledgeable (%)	94.3	28	89.3	39	87.1	36
Well informed but could know more (%)	89.7	110	80.0	94	66.0	95
Not well informed and could know more (%)	98.1	62	83.8	58	66.7	61
Not well informed and not interested (%)	87.5	8	88.9	8	*	1

*Note: all percentages are row percentages.  
 \*= fewer than five respondents in cell.*

identified as unlawful than the other two examples), where it does appear that those who assess themselves as well-informed and knowledgeable are more likely than others to recognise the infringement.

### 9.4.3 Perception of entitlement by individual characteristics

Turning to personal characteristics (Table 9.15), it is notable that women are significantly more likely than men, in all three cases, to identify the scenario situation as unlawful. There are, however, no clear or consistent patterns across the scenarios by age or educational level, although it is of interest to note that the perception of the scenario relating to sickness as unlawful tends to decline with increasing age.<sup>1</sup>

<sup>1</sup> There were too few non-white respondents to these questions to justify a breakdown by ethnic origin.

**Table 9.15: Perception of entitlement of unfair dismissal rights by personal characteristics**

Personal characteristic	Scenario concerned					
	Unfair dismissal on grounds of sexual orientation		Unfair dismissal on grounds of age		Unfair dismissal in relation to sickness	
	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base
Gender (%)						
Male	88.7	97	78.8	92	56.6	90
Female	96.7	111	89.3	107	85.4	103
Age (%)						
16-25	85.2	25	91.7	26	87.1	29
26-35	96.8	56	82.5	58	75.4	54
36-45	84.1	70	76.8	56	68.8	48
46-55	86.5	38	90.9	43	60.5	44
56-64	100	19	80.0	16	44.4	16
Highest qualification (%)						
No qualifications	95.5	25	92.9	26	79.2	38
NVQ 1	100	28	60.0	18	52.9	15
NVQ 2	94.0	40	89.3	44	69.4	48
NVQ 3	97.4	36	82.8	41	60.0	28
NVQ 4	81.7	59	77.8	58	73.2	49
NVQ 5	100	20	90.9	11	84.6	13

*Note: all percentages are row percentages.*

Table 9.16 shows that there are no clear and consistent variations by employment characteristics, in responses to the scenario questions on unfair dismissal. For each of the characteristics considered, there are different patterns in the scenario responses and no clear interpretation emerges (*eg* permanent staff are more likely to identify two of the scenarios as unlawful, and temporary staff the third; a similar pattern is found between union members and non-members etc).

**Table 9.16: Perception of entitlement of unfair dismissal rights by employer characteristics**

Personal characteristic	Scenario concerned					
	Unfair dismissal on grounds of sexual orientation		Unfair dismissal on grounds of age		Unfair dismissal in relation to sickness	
	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base	Identified as unlawful	Unweighted base
Occupation (%)						
Managerial/admin	77.8	29	88.5	37	64.1	31
Professional/technical	100	45	90.5	37	69.6	35
Assoc. professional/technical	100	18	80.0	16	84.0	23
Clerical/secretarial	90.9	42	93.3	35	77.1	26
Craft/skilled manual	91.7	22	70.0	19	80.0	12
Personal/protective services	100	12	80.0	13	75.0	18
Sales	100	9	100	14	64.3	13
Plant/machine operatives	84.2	8	42.9	5	43.8	7
Other unskilled	90.0	17	78.6	19	64.3	26
Sector (%)						
Primary & extractive	*	3	*	5	*	3
Manufacturing, utilities & construction	91.5	49	77.8	38	62.1	44
Distribution, catering, transport etc.	87.8	39	84.7	55	78.6	14
Business and financial services	100	18	90.9	16	66.7	16
Public admin, education and health	96.1	71	75.0	57	77.5	57
Other services	83.3	8	92.3	16	66.7	13
Size of workplace (employees) (%)						
Under 15	84.2	23	93.9	40	61.5	37
15-49	93.1	39	80.0	31	66.7	43
50-199	95.8	49	82.8	41	77.1	33
200-499	100	30	80.0	26	78.9	20
500-1999	82.1	24	82.6	29	83.3	15
2000+	100	17	78.6	16	82.4	17
Employment status (%)						
Permanent	92.7	178	84.6	172	69.4	168
Temporary	90.0	24	74.1	24	72.4	23
Working time (%)						
Under 16 hours p.w.	100	15	77.8	14	75.0	15
16-34 hours p.w.	82.1	35	87.5	28	78.3	33
35 + hours p.w.	93.7	158	82.3	157	67.9	145
Union membership (%)						
Member	95.2	77	80.8	68	76.6	55
Non- member	90.2	124	88.0	125	67.3	133

Note: all percentages are row percentages.

\* = fewer than five respondents in cell.

## 9.5 How far are perceptions based on knowledge?

In this section, once again, we move on to look at the extent to which responses to the scenario questions on unfair dismissal, which identified a presumed breach of legislation, were based on some knowledge of the relevant legal provisions (rather than ‘common sense’ or some intuitive interpretation of fairness or natural justice *etc.*).

There was considerable variation between the three scenarios, according to whether those assessing the scenario as unlawful were able to give a reason for their assessment based on some understanding of the coverage of unfair dismissal legislation.

Thus only in the case of the scenario relating to someone being dismissed because of their sickness record, did more than half of those identifying it as unlawful give a reason which suggested some knowledge that this reason for dismissal would count as unfair under the legislation. In the case of the scenario related to a dismissal on the grounds of age, only 44 per cent of those who thought it was unlawful exhibited any underlying knowledge of the (unfair dismissal) legislation, and only one in six of those identifying the scenario concerned with sexual orientation as unlawful exhibited such knowledge in their response to the question. It is clear that, in the cases based on age and sexual orientation, although the scenarios are related to unfair dismissal legislation (and to potential breaches of provisions relating to length of service, lack of substantial reason for dismissal *etc.*), many respondents understandably interpreted these situations as discrimination cases. Some respondents, indeed justified their view that the situations were unlawful in terms of anti-discrimination legislation which they presumed (incorrectly) to exist — there are currently no anti-discrimination provisions which specifically related to age or sexual orientation.

**Table 9.17: Whether perception of entitlement for unfair dismissal legislation is based on knowledge**

Whether perception of entitlement is based on knowledge	Scenario		
	Unfair dismissal on grounds of sexual orientation (%)	Unfair dismissal on grounds of age (%)	Unfair dismissal in relation to sickness (%)
Named relevant area of law	16.3	44.0	57.6
Named other area of law/don't know	83.7	56.0	42.4
Unweighted base (n=100%)	193	171	138

Table 9.18 shows that in the case of the sexual orientation scenario and (to a lesser extent) in the other two scenarios there is some relationship in the expected direction between respondents’ self-

assessment of their general level of knowledge and awareness of employment rights and whether they show knowledge of unfair dismissal legislation in explaining why they regard the scenario situation as unlawful.

**Table 9.18: Knowledgeable perception of unfair dismissal legislation, by self-assessed awareness/knowledge**

Self-assessed awareness/knowledge	Knowledgeable perception of entitlement ( <i>ie</i> respondent named relevant area of law)								
	Unfair dismissal on grounds of sexual orientation			Unfair dismissal on grounds of age			Unfair dismissal in relation to sickness		
	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base
Well informed and knowledgeable (%)	24.2	22.9	25	48.0	42.9	35	66.7	30	58.1
Well informed but could know more (%)	16.3	14.7	102	50.0	40.0	82	51.6	67	34.0
Not well informed and could know more (%)	13.5	13.2	59	36.8	30.9	47	61.2	41	40.5
Not well informed and not interested (%)	*	*	7	*	*	7	*	0	*

*Note: all percentages are row percentages.  
\* = fewer than five respondents in cell.*

There is, as Table 9.19 shows, there is no consistent pattern by any of the three personal characteristics analysed (gender, age and disability) in whether or not, having identified the unfair dismissal scenario as an infringement, respondents are able to explain their judgement using knowledge about the law in question.

**Table 9.19: Knowledgeable perception of unfair dismissal legislation, by individual characteristics**

Characteristic	Knowledgeable perception of entitlement (ie respondent named relevant area of law)								
	Unfair dismissal on grounds of sexual orientation			Unfair dismissal on grounds of age			Unfair dismissal in relation to sickness		
	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base	Relev't (% of those recog'g scenario as unlawful)	Relev't (% of all asked scenario question)	Un-weigh -ted base
Gender (%)									
Male	17.3	15.3	87	40.7	32.0	76	58.5	33.3	53
Female	14.9	14.4	106	47.8	42.7	95	56.6	48.3	85
Age (%)									
16-25	*	*	23	47.6	43.5	23	55.6	48.4	23
26-35	25.0	24.2	53	63.8	52.6	48	52.2	39.3	41
36-45	12.3	11.6	65	23.3	17.9	47	51.5	35.4	35
46-55	15.6	13.5	35	40.0	36.4	39	66.7	40.9	29
56-64	*	*	17	50.0	40.0	14	75.0	33.3	9
Disability or health problem? (%)									
Yes	*	*	17	44.8	40.6	16	50.0	29.8	17
No	18.6	16.9	175	43.8	35.6	135	59.3	42.7	121

Note: all percentages are row percentages.  
 \*= fewer than five respondents in cell.

## 9.6 Taking action

From Table 9.20, it can be seen that respondents who believe the situation in question is unlawful are equally likely in each of the scenarios to take action (such as seeking advice from an independent source, or discussing the matter with the employer) when faced with a situation similar to that in the scenario. In each case, the vast majority (93 per cent) would take action.

**Table 9.20: Whether individuals would take action if scenarios related to unfair dismissal rights happened to them**

Whether individual would take action in that situation	Scenario		
	Unfair dismissal on grounds of sexual orientation (%)	Unfair dismissal on grounds of age(%)	Unfair dismissal in relation to sickness (%)
Yes, would take action	92.7	93.0	93.2
No, would not take action	7.3	7.0	6.8
Unweighted base	164	116	121

Table 9.21 looks at how respondents' propensities to take action in each of the three scenarios of unfair dismissal varies with three personal characteristics (gender, age and disability), each of which has some relevance to one of the scenarios.

Looking first at gender, in all three of the examples, men would be more likely to take action than women (in the case of unfair dismissal related to sickness, substantially so).

Although caution should be exercised because of the small numbers of disabled respondents involved, it is striking that the proportion who would take action is lower than non-disabled people in the sickness and age example (and in the case of the former, the difference is considerable).

The results for the age variable are somewhat mixed. The propensity to take action in the case of unfair dismissal on grounds of sexual orientation declines significantly with age (perhaps reflecting inter-generational differences in attitudes to homosexuality). In the case of unfair dismissal linked to sickness, however, the pattern is reversed, the proportion of older people who would take action is greater. In the case of unfair dismissal due to age, however (perhaps surprisingly) there is no clear relationship between respondents' ages and their propensity to take action.

**Table 9.21: Propensity to take action in unfair dismissal scenarios by individual characteristics**

Individual characteristic	Scenario					
	Unfair dismissal on grounds of sexual orientation		Unfair dismissal on grounds of age		Unfair dismissal in relation to sickness	
	% would take action	Unweighted base	% would take action	Unweighted base	% would take action	Unweighted base
Gender (%)						
Male	93.6	87	95.1	76	98.4	53
Female	90.9	106	91.0	95	89.5	85
Disability? (%)						
Yes	100.0	17	85.7	16	78.6	17
No	91.3	175	95.0	155	96.5	121
Age (%)						
16-25	100	23	95.2	23	88.9	23
26-35	96.6	53	97.9	48	93.5	41
36-45	90.6	65	93.0	47	90.9	35
46-55	90.6	35	83.3	39	100.0	29
56-64	83.3	17	87.5	14	100.0	9

*Note: all percentages are row percentages.*