

Changes to employment conditions

Sometimes it's necessary to change the terms and conditions of an employment contract. Find out why your contract might be changed, what your rights are and how to avoid or resolve problems in making these changes.

Changes to a contract of employment

A [contract of employment](#) is an agreement between you and your employer that outlines the rights and duties of both sides.

At some stage your employer or you might want to change your contract of employment. However, neither you or your employer can change your employment contract without each others' agreement. Changes should normally be made after negotiation and agreement.

Changes to employment contracts could be made by:

- agreement between you and your employer
- collective agreement - this is a negotiation between your employer and a trade union or staff association
- implication - that is through a change in long standing custom and practice (for example, if your employer allows all employees a day off each year for New Year's Eve)

If a collective agreement makes a change to employment contracts, the change will still apply to you even if you are not a member of the trade union or staff association.

Reasons for changing an employment contract

Employers

Employers sometimes need to make changes because of economic circumstances. The business may need to be reorganised, moved to a new location or there may need to be changes because of new laws or regulations. Things that might change include:

- rates of pay
- working time - for example, longer/shorter hours or different days
- your duties and responsibilities
- the duties and responsibilities of your immediate boss
- the location of where you work

Your employer might need to make a change to correct a mistake that was made in drawing up the contract. Depending on the situation, it might be in your best interests to allow the mistake to be corrected. In some circumstances action like a demotion or a pay cut might be authorised as a disciplinary measure. Check the [disciplinary procedure](#) to be sure.

Employees

Employees might also ask to change the terms of their contract. You might want:

- better pay (you don't have an automatic right to a pay rise, unless it's in your contract)
- improved working conditions
- more holiday
- different working hours
- to work flexible hours
- to work part-time
- [Flexible working and work-life balance](#)
- [Holiday entitlements](#)
- [Part-time work](#)

When changes need to be in writing

Agreed changes don't necessarily have to be in writing, but if they alter the terms explained in your 'written statement of employment particulars' then your employer must give you a written statement that shows what has changed. This must take place within a month of the change.

- [Employment contracts](#)

Flexibility clauses

Your contract may include what are known as 'flexibility clauses', which gives your employer the right to change certain conditions for example, shift patterns, or a 'mobility clause' which allows changes to your job location.

A flexibility clause that is vaguely worded for example: 'the employer reserves the right to change terms from time to time', cannot be used to bring in completely unreasonable changes. This is because there's an 'implied term of mutual trust and confidence' in all contracts that requires the employer not to act completely unreasonably.

- [Relocation of work](#)

What to do if you want to change your contract

If you want to make a change to your contract, speak to your employer and explain why.

You can't insist on making changes unless they're covered by a legal right, for example, opting out of Sunday working or the 48-hour week. You might be able to apply to change your hours under flexible working rights.

- [Flexible working and work-life balance](#)
- [Sunday work](#)
- [Working time limits \(the 48-hour week\)](#)

If your employer wants to change your contract

If your employer wants to make changes to your contract, they should consult you or your representative (for example, a trade union official), explain the reasons and listen to alternative ideas.

Changes can be agreed directly between you and your employer, or through what is known as a 'collective agreement' between your employer and a trade union. This might be allowed by your contract even if you're not a union member.

If you don't agree with changes to your employment conditions

If you don't agree, your employer is not allowed to just bring in a change. However, they can terminate your contract (by giving notice) and offer you a new one including the revised terms - effectively sacking you and taking you back on.

Your employer would be expected to follow a statutory minimum dismissal procedure. They may have to follow a collective redundancy consultation process if they plan to do this to a group of employees.

- [Giving and getting notice from your job](#)
- [Redundancy: your right to consultation](#)

If you don't accept the new contract - or if you've accepted the new one but feel there was no good reason for ending the old one - you have the right to make an unfair dismissal claim provided you've at least one year's continuous service with your employer. You may also be able to claim redundancy if you have at least two years service.

If there is a sound business reason for the change, and your employer has properly consulted you and looked into any alternatives, you could find it difficult to win your claim.

- [Unfair dismissal](#)
- [Employment-related tribunals](#)

What you can do

Your employer isn't entitled to simply bring in any change they wish. If your employer tries to make a change that you don't agree with (for example trying to demote you or cut your pay), tell them immediately. Put your objections in writing, asking for reasons for the change and explaining why you don't agree.

If you carry on working without taking action it may count as acceptance of the new terms (even if you haven't signed anything), so you'll need to make your objections clear.

If you start to work under the new terms, make it clear that you're working under protest and are treating the change as a breach of contract. Try to sort out the problem directly with your employer.

- [How to resolve a problem at work](#)
- [Grievance procedures](#)

Legal action

If you can't resolve the problem directly, you may need to take some kind of legal action, you might:

- claim breach of contract
- if one of your statutory employment rights has been breached you might make an Industrial Tribunal claim
- if your pay is reduced because of the change, you could make a claim for unlawful deductions from wages
- if the situation is completely unbearable you could resign from your job and claim constructive dismissal

Bear in mind that employment law is complex - you should take legal advice before resigning or taking legal action.

- [Breach of employment contract](#)
- [Pay deductions](#)
- [Being paid and payslips](#)

Changes to your employer

If your employer changes, you are normally entitled to receive a new full written statement of employment particulars within two months of the change. You would not be entitled to this if:

- your employer's name changes without any change to who your employer is (for example, if the company is renamed)
- your employer changes, but your job continues unaffected (such as during protected business transfers, also known as TUPE)

In these circumstances, you are entitled to be given individual written notice of the change at your employer's earliest opportunity. This must be no later than one month from the date of the change.

- [Business transfers and takeovers \(TUPE\)](#)

Where you can get help

The [Labour Relations Agency](#) (LRA) and Advice NI offer free, confidential and impartial advice on all employment rights issues.

Seek legal advice from a solicitor or advice agency on contract conditions.

- [Solicitor's Directory \(The Law Society of Northern Ireland website\)\(external link opens in a new window / tab\)](#)

If you are a member of a trade union, you can get help, advice and support from them.

- [Introduction to trade unions](#)