



A Guide to Preparing Written Statements of the Terms and Conditions of Employment

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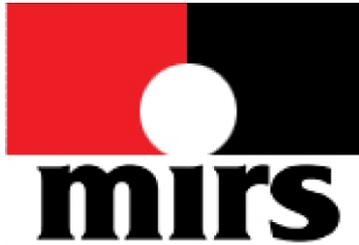
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The purpose of this guide is to provide general information as to what must be contained within a Written Statement of Terms and Conditions of Employment, in accordance with the provisions of the Employment Act 2006.

If you are drafting a Written Statement then a template is available to download from the [Guides and Forms](#) section of our website which you can use to get started or if you prefer a hard copy please contact us. We do ask that if you use our template that once drafted you send it to us by email or hard copy, to check for you.

This guide should not be treated as a complete and authoritative statement of the law. Every effort has been made to ensure that the contents are correct at the date shown on the back cover.



What is a Written Statement of Terms and Conditions?

It is a written summary of an employee's main terms and conditions. It is not a contract of employment but it is evidence of what the contractual terms are.

So what is a contract of employment?

A contract of employment is an agreement between an employer and an employee. The rights and duties are called the 'terms' of the contract. A contract is made as soon as a job offer is accepted and both sides are then bound by its terms until it has ended (usually by giving notice) or until the terms are changed (usually by mutual agreement). The contract doesn't have to be in writing, but employees are entitled to a written statement of the main terms of employment as detailed within this Guide.

Why produce a written statement?

Most employees are legally entitled to receive a written statement within the first 4 weeks of their employment. As the document contains details about terms and conditions relating to employment it helps to avoid misunderstandings and disputes about contractual terms. It could, for example, be sent to a prospective employee with the letter offering them employment.

What happens if I don't issue a written statement?

Failure to provide a written statement is an offence and employers may face prosecution by the Department for Enterprise.

Where an employer fails to issue a Written Statement or fails to notify of any changes within four weeks, the employee can make a complaint to the Employment & Equality Tribunal.

Incomplete Statement

Where the Written Statement has been issued but is incomplete or doesn't fully comply with the requirements of the Act, the Tribunal may make an award of up to 2 weeks' pay if it is just and equitable to do so



No Statement issued

Where a Written Statement has not been issued the Tribunal must order the employer to pay 2 weeks' pay and if it thinks it is just and equitable to do so can increase this to 4 weeks' pay.

For these purposes a week's pay is capped at £540.00 gross.

Example

The Tribunal finds that an employee who earns £400.00 gross per week has not been issued with a statement. It must make an award of at least £800.00 (2 weeks' pay) and may, if it is just and equitable to do so, increase this to a maximum of £1600.00 (4 weeks' pay).

Making a claim to the Employment & Equality Tribunal

A claim regarding a written statement can be made at any time during the employment or within 3 months of the employment ending if either the statement was not issued or if it was incomplete.

The Tribunal can allow an out of time complaint if it believes it was not reasonably practicable submit the complaint within the 3 month period.

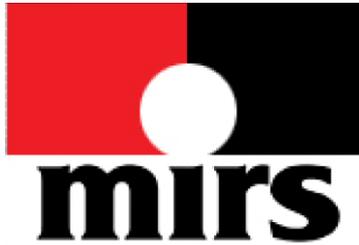
A copy of the claim form can be downloaded from this [link](#).

The Employment & Equality Tribunal can also make an award to an employee in respect of a written statement not being issued or being incomplete if a claim has been made for a separate matter, e.g. unfair dismissal.

How should I go about writing the statement?

Write it in clear, plain English and try to avoid the use of jargon. Tailor it to suit the needs of your organisation, taking into account current policies and procedures but ensuring at the very least, that the headings detailed in Section A of this guide are covered. Consult with the employees and where appropriate, their trade union representatives.

Writing a statement does not mean that existing terms and conditions can be amended. If existing terms need to be altered or parties cannot agree on terms, this needs to be done by consultation and agreement with staff. Further advice on this should be obtained by contacting [MIRS](#).



What format should it follow?

Normally, the statement will be one straightforward document but it can however, refer to other documents such as a staff handbook or a collective agreement, provided the employee has reasonable access to them.

Signatures

The statement does not need to be signed to be legally binding however we would recommend that either both parties keep a signed copy or that the employer asks the employee to sign a receipt confirming that the employee has received the statement. The employer **must be able to prove** that the statement was issued to the employee.

How often should I update the statement?

Any agreed changes to the statement should be notified to the employee in writing as soon as possible. The law says that this must be done within 4 weeks, though the sooner the better. It is not necessary to reissue a complete statement every time there is a change, though it is advisable to do so after several changes have been made.

How long should I keep a copy of the statement?

The employer should keep a copy of the written statement during the employment and for at least 6 months after it has been terminated.

Zero hours Contracts

Please refer to our [website](#) which explains this in more detail.

Where can I get help and advice?

This guide and the template are intended to help produce a draft of the Written Statement of Terms and Conditions.

MIRS will be pleased to comment on your draft by sending or emailing it to iro@mirs.org.im

You may wish to seek advice on written statements generally or on more complex issues, such as restrictive covenants, from your Advocate or Adviser.



The Manx Industrial Relations Service, (MIRS)

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Department for Enterprise, DfE

Head Office

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Isle of Man
IM1 1EX

a) DfE Inspectors

Tel: 01624 682385/682386

Email: inspectors@dfе.gov.im

Web: www.gov.im/categories/working-in-the-isle-of-man/employment-rights

For guidance and enforcement in respect of matters including written statements of terms and conditions of employment; pay statements; work permits; minimum wage; compulsory insurance and inspection of employment agencies

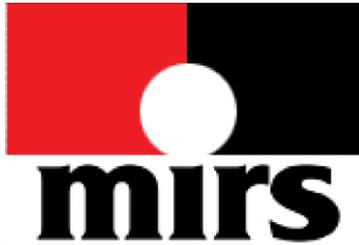
b) Dfе Employment Legislation and Policy Unit

Tel: 01624 682371 / 682372

Email: emplaw@gov.im

Web: www.gov.im/categories/working-in-the-isle-of-man/employment-rights

The employment rights website contains copies of primary legislation as amended, codes of practice and other statutory instruments.



The Employment & Equality Tribunal

The Clerk to the Employment & Equality Tribunal
Isle of Man Courts of Justice
Deemsters Walk
Bucks Road
Douglas
Isle of Man
IM1 3AR

Tel: 01624 685941

Email: tribunals@gov.im

Web: www.courts.im/court-procedures/tribunals-service/tribunals/

More information

The [Department for Enterprise](#) also publishes a number of guides on employment rights.

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