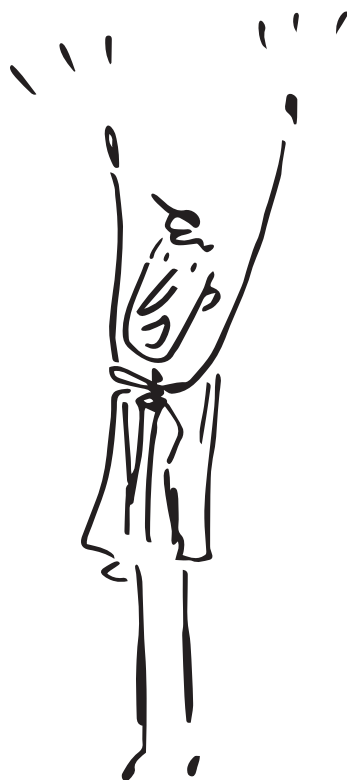


The
**RESIGNATION
REVOLUTION**

How to negotiate your exit package like a pro



Alex Monaco with Will Burrows

Edited by Jenny Monaco

**The Resignation Revolution:
How to negotiate your exit package like a pro**

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Foreword

It is daunting to be in a dispute with your employer. Views can be polarised and working relationships become very difficult. Part of you may want to claim, or even resign and do so, but part of you may just want to put it behind you, and your employer may want that too. Family and friends may have opinions ranging from the helpful to the downright misleading which can do more harm than good: ‘man in the pub legal advice’ some people call it.

As lawyers I suppose we would say that you need to see a lawyer (although I believe I can be a bit more objective now I am a Judge – I do see people representing themselves in Court and it is really not easy to do). As Alex and Will rightly stress, even this (truly excellent) book cannot be a substitute for a lawyer. But what is refreshing about this book is that it gives you the tools to negotiate a deal yourself even if you need a lawyer later on – including to formalise the agreement you have negotiated and make it legally binding as they explain.

A lot of experience and wisdom has been poured into this book, which is laid out in a user-friendly way in straightforward language with none of the jargon we lawyers use ! It cannot train you to be a lawyer but it explains your rights clearly and gives you the tools and confidence to use your own skills to negotiate a deal effectively. I would commend it to you. I wish it had been around when I was a barrister negotiating agreements!

HHJ Jim Tindal

Circuit Judge, former Employment Judge and Barrister
July 2018

Preface

Finally, the Resignation Revolution is here! Until now, the mainstream media have portrayed employee rights as ‘red tape’ and damaging to the economy. They would have you believe that people who ‘claim compensation’ are simply out to make a swift buck at the expense of the rest of us who are diligent, hardworking and pay our taxes.

In countries such as Germany and Sweden, employees have more rights than we do, and their economies are more efficient. Perhaps knowing that your employer is not entitled to fire you unfairly can give you the sort of confidence which allows you to relax into your role and work hard, without your health being affected by worries of losing your job.

You probably had no real opinion on such matters, until, that is, you were directly affected by an issue at work....

What generally happens when you are treated unfairly or illegally at work is that you just resign from your job and try to get another one. In the meantime you might become ill with stress or anxiety. Or you might be more stoic about it. Either way, the whole affair can be messy and, understandably, not really something you want to talk about.

We have decided to bring the conversation out into the open, starting right here with this book. From now on, wouldn't it be great if our culture encouraged employees to get a fair deal and to negotiate an exit package – known also as a ‘settlement agreement’ – for themselves? That way, if you had to leave your job, you could leave with your head held high, not to mention with the money you would need to tide you over until you got another job.

Sure, no employer is going to admit that they have treated you unfairly, but by agreeing to pay you a decent settlement agreement then, symbolically at least, they have apologised. You can then go into your next job interview with confidence, knowing that you weren't bad at your job, but that in fact you were subjected to unfair, and possibly also illegal, treatment.

But this book isn't a self help book which just aims to make you feel better about the whole thing. It's a detailed practical guide with step by step instructions on how to negotiate a decent exit deal for yourself. It is the first and only book of its kind in the UK.

And why are we the best people to write it?

Well, we are lawyers who for many years have focused solely on negotiating settlement agreements for employees who have been, or are being, badly treated at work. It's all we do and there are very few firms who can say that.

Lawyers, contrary to popular belief, can be benign individuals concerned with actually helping people rather than simply cashing in on their misfortune. Some shining examples include Nelson Mandela, Mahatma Gandhi and Abraham Lincoln to name but a few.

We're not saying we're quite like those people (!) but we do care passionately about helping employees to even up the odds. Since the Magna Carta was drawn up in 1215, justice has supposedly been available to all. But in practice those with deeper pockets, such as companies and corporations, get to do what they want because the 'little guy' hasn't the knowledge or power to stand up to them.

For a number of years at my firm, Monaco Solicitors, we have found new clients by publishing advice about employment law online and appearing at the top of the Google results page when people search for related information. One day when we were auditing our website we realised something – we had enough material there to form the basis of a book.

Wouldn't it be easy, we thought, to develop the website into a book and publish it? Turns out we were wrong about the 'easy' part, but certainly we have had so much positive feedback from employees about our website that we wanted also to offer something like it in book form.

One of the best things about employment law is that generally you, as a claimant, don't get hit with a bill for the other side's legal costs if you lose a trial at the employment tribunal. Although tribunals are a long way down the line from negotiating exit packages, this does help because employers know that you could take them there risk free. It also means that you, as a lone individual, could start a tribunal claim and so long as you play fair then the worst that could happen is that you lose. However, it's quite a complicated process, and it's much easier just to settle out of court.

We seek to demystify the process of negotiating a fair exit package, so that at least you have the information to assess what is involved. This book is obviously not as good as having an actual lawyer working alongside you, but it certainly helps. If you do decide to 'go it alone', then keep a copy with you and we wish you the very best of luck!