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**Potentially**

Employees with the Employment Rights Act 1996 include any

- The employee's capability or misconduct, for example, where the employee is unable to perform their job or where there is serious misconduct issues
- The employee is prevented from legally doing their job, for example, a driver losing their driving licence
- A change in an objective need for the employee's job, i.e. when the employee's skills are no longer required for the job
- Where the employee is dismissed for 'some other substantial reason' so as to justify the dismissal

**What is a 'Some Other Substantial Reason' (SOSR) dismissal?**

The right of an employer to dismiss an employee for 'some other substantial reason' is not a statutory provision, allowing an employer to decide on dismissal for a wide range of potentially fair reasons apply.

The SOSR dismissal covers a wide variety of situations, although whether or not a reason falls within the scope will depend upon the facts of each case. For a dismissal to be a 'Some Other Substantial Reason' (SOSR) dismissal, the employer must ensure that the reason for dismissal is 'substantial', i.e. the reason for dismissal should have a significant bearing on the business. In addition, employers must act reasonably and take steps to avoid dismissal where possible. Alternatives to dismissal, such as redeployment within the organisation or adjustments to the employee's role, should be actively considered.

**Examples of 'Some Other Substantial Reason' (SOSR) dismissals**

Common examples of 'some other substantial reason' could be used to justify a dismissal include:

- The employer's need to reorganise the business or to engage an employee to impose new conditions that the employee has refused to agree to
- A serious personality clash between employees or between an employee and their manager or them to work together
- A reputational risk to an employer's business, for example, where an employee has been convicted of a criminal offence or where an employee's behaviour goes against the high level of confidence required for the job, in which a high degree of safeguarding is required, or where an employee's behaviour goes against the high level of confidence required for the job
- A conflict of interest with an employer's legitimate business interests, for example, where an employee has a close relationship with a competitor business
- The end of a fixed term contract. For example, when a project has ended or a contract has expired, the fixed term employee may be dismissed

Employees who are not unfairly dismissed by their employer. In accordance with the Employment Rights Act (ERA) 1996, a valid reason for a fair dismissal can include any of the following:

- The employee's capability or misconduct, for example, where the employee is unable to perform their job or where there is serious misconduct issues
- The employee is prevented from legally doing their job, for example, a driver losing their driving licence
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