



Can employers terminate employment by WhatsApp?

I was recently asked by a company client if they could serve notice to terminate employment by WhatsApp. This client informed me that it was standard practice in their industry to communicate with employees via WhatsApp rather than by letter or email.

I can honestly say that in ten years as an employment lawyer, I have never been asked this question before. It made me wonder how many other companies out there would, if they had a choice, terminate employment in this way.

The form notice must take is generally set out as an express term in a contract of employment. Usually a notice clause appears at the back end of an employment contract and normally states 'written' notification is necessary. Most employers would, therefore, terminate by way of a letter. An email and/or a WhatsApp message, however, could also be deemed to be 'written' correspondence, but the point has never been tested/approved by the Courts.

In my client's particular case, the company did not have in place any contracts of employment. The relevant question was, therefore, whether notice had to take a particular form in the absence of a contract of employment.

There are no statutory requirements as to how notice of termination of employment must be given. It could, therefore, be oral or written notice. Notice by WhatsApp would, therefore, be acceptable, but would not in my view be the favoured method of termination. In reality, in order to ensure there is no ambiguity about whether notice has been effective, many employers would personally deliver, post by special delivery or email a termination letter.

If you require advice on termination of employment please do not hesitate to contact Rima Mehay at rima.mehay@adamsandremers.com or on 020 7024 4803.

This article is not intended to be a full summary of the law and advice should be sought on all issues.

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