

## Documents

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**The Doctrine of Legitimate Expectation & Proportionality: A Public Law Principle Adopted into the Private Law of Employment**

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**Abstract**

This article examines the possible adoption of the public law principles of 'legitimate expectation' and the standard of 'proportionality' as the appropriate and cohesive legal approach to voluntary promises that are normally found in ostensibly non-contractual documents. The article argues that, allowing a further development into the principle of legitimate expectation, which has already been adopted in employment relations as a further development of the implied duty of trust and confidence, could enhance the courts' approach to the issue of voluntary promises and avoid the unsatisfactory contractual solution that appears to produce inconsistent results. Giving particular consideration to the courts' application of the proportionality test, thereby recognises an employee's hierarchy of interests, when seeking to justify an employer's decision, this article assesses how the influence of the proportionality standard can, and should, offer a more satisfactory solution when applied to resolving disputes. © 2018, Springer Nature B.V.

**Author Keywords**

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