



Employment law
Handy fact card 2009

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Qualification period and time limits

complaint	qualifying period	time limit to bring claim*
dismissal		
▪ written reasons for dismissal	one year	three months starting from EDT
▪ unfair dismissal	one year (but reduced to none or one month in certain cases)	three months starting from EDT
▪ automatically unfair dismissal: eg pregnancy, whistleblowing, leave for family reasons, health and safety etc	none	three months starting from EDT
redundancy payment	two years	six months from relevant date
failure to conduct collective consultation (protective award)	none	before the date on which the last dismissal takes effect or three months starting with that date
discrimination		
▪ discrimination	none	three months from date last act complained of
▪ equal pay	none	six months starting from termination of employment
miscellaneous		
▪ guarantee pay	one month	three months starting from date when payment was payable
▪ written particulars of employment	none**	three months starting from date employment ceased
▪ contract claim	none	at employment tribunal – three months from EDT or last day worked at court – six years from alleged breach

EDT = effective date of termination

* in some cases the employment tribunal may extend these periods

** employers must provide written particulars within two months of commencement of employment

Compensation limits

Most types of compensation in employment law are subject to statutory limits, which change each year. The current main limits are:

complaint	limit on week's pay	maximum award
unfair dismissal		
▪ basic award	£380	£11,400
▪ compensatory award	unlimited	£66,200
▪ additional award - failure to reinstate	£380	minimum £9,880 (26 weeks' pay) maximum £19,760 (52 weeks' pay)
certain automatically unfair dismissals: eg health and safety or whistleblowing		
▪ basic award	£380	£11,400 (health and safety: subject to a minimum of £4,700)
▪ compensatory award	unlimited	unlimited
redundancy pay	£380	£11,400
failure to conduct collective consultation (protective award)	unlimited	90 days' pay
discrimination	unlimited	unlimited
dismissal for trade union reasons		
▪ basic award	£380	£11,400 subject to a mini- mum of £4,700
▪ compensatory award	unlimited	£66,200
guarantee pay (no work provided)	£21.50 (per day)	£107.50 in respect of five days in any three month period
contractual claims when brought in employment tribunal	unlimited	£25,000

Redundancy calculation

The right to redundancy pay starts when the employee has completed two years' employment. For each completed year of employment use the following multiplier:

age of employee	multiplier
under the age of 22	½ x week's pay
between 22nd and 41st birthday	1 x week's pay
41st birthday onwards	1½ x week's pay

- The 'week's pay' is an actual week's gross pay up to a maximum of £380.
- The multiplier is subject to a maximum of 30 weeks.

National minimum wage

rate	pay
adult rate (22 and over)	£5.80 per hour
development rate (18-21)	£4.83 per hour
youth rate (16-17)	£3.57 per hour

(This will be reviewed in October 2010)

Statutory notice

section 86 ERA 1996 length of employment	notice to employee by employer
under one month	no statutory notice requirement
one month to two years	one week
two years to 12 years	one week for each completed year of employment
12 years or more	12 weeks

- Notice by employee to employer is one week after one month's employment.

Statutory maternity, paternity and adoption leave and pay

type of leave	service requirement	length of leave
statutory maternity leave	none	52 weeks (26 weeks ordinary maternity leave, 26 weeks additional maternity leave)
statutory paternity leave (childbirth and adoption)	26 weeks' service at the end of the relevant week*	one or two weeks in a single block (completed within 56 days from the birth or placement date)
statutory adoption leave	26 weeks' service at the end of the relevant week*	52 weeks (26 weeks ordinary adoption leave, 26 weeks additional adoption leave)

type of pay	basic eligibility requirements	amount
statutory maternity pay	<ul style="list-style-type: none"> 26 weeks' service at the end of the relevant week*, and average weekly earnings of at least £95[†] for the eight weeks ending with the relevant week* 	<ul style="list-style-type: none"> 90% of average weekly earnings for six weeks the lower of £123.06** or 90% of average weekly earnings, for following 33 weeks
statutory paternity pay (childbirth and adoption)	<ul style="list-style-type: none"> service as for paternity leave, and average weekly earnings of at least £95[†] for the eight weeks ending with the relevant week* 	the lower of £123.06** or 90% of average weekly earnings for up to two weeks
statutory adoption pay	<ul style="list-style-type: none"> service as for adoption leave, and average weekly earnings of at least £95[†] during the eight weeks ending with the relevant week* 	the lower of £123.06** or 90% of average weekly earnings for up to 39 weeks

* The relevant week is:

- for childbirth, the 15th week before the expected week of confinement (EWC)
- for adoption, the week the adopter is notified of the adoption match

** or £117.18 before 5 April 2009

† or £90 where the relevant week is before 5 April 2009 (ie the lower earnings limit for Class 1 NI contributions)

NB: new rates from 5 April 2009 based on Government announcements at the time of going to press

We can help with:

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- disciplinary and dismissal matters
- redundancy and reorganisation
- transfer of undertakings (TUPE)
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