

## qualification period and time limits

complaint	qualifying period	time limit to bring claim*
<b>dismissal</b>		
<ul style="list-style-type: none"> <li>written reasons for dismissal</li> </ul>	one year <sup>†</sup>	three months starting from EDT
<ul style="list-style-type: none"> <li>unfair dismissal</li> </ul>	two years <sup>†</sup> (but reduced to none or one month in certain cases)	three months starting from EDT
<ul style="list-style-type: none"> <li>automatically unfair dismissal: eg pregnancy, whistleblowing, leave for family reasons, health and safety etc</li> </ul>	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
<b>discrimination</b>		
<ul style="list-style-type: none"> <li>discrimination</li> </ul>	none	three months from date last act complained of
<ul style="list-style-type: none"> <li>equal pay</li> </ul>	none	<b>at employment tribunal</b> – six months from last day of employment <b>at court</b> – six years from alleged breach
<b>miscellaneous</b>		
<ul style="list-style-type: none"> <li>guarantee pay</li> </ul>	one month	three months starting from date when payment was payable
<ul style="list-style-type: none"> <li>written particulars of employment</li> </ul>	none**	three months starting from date employment ceased
<ul style="list-style-type: none"> <li>contract claim</li> </ul>	none	<b>at employment tribunal</b> – three months from EDT or last day worked <b>at court</b> – six years from alleged breach

EDT = effective date of termination

\* in some cases the employment tribunal may extend these periods

<sup>†</sup> qualifying period one year until 6 April 2012. Transitional provisions and changes to written reasons for dismissal not announced at the time of going to press

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

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## compensation limits

Most types of compensation in employment law are subject to statutory limits, which change each year. As from 1 February 2012 the main limits are:

complaint	limit on week's pay	maximum award
<b>unfair dismissal</b>		
▪ basic award	£430	£12,900
▪ compensatory award	unlimited	£72,300
▪ additional award - failure to reinstate	£430	minimum £11,180 (26 weeks' pay) maximum £22,360 (52 weeks' pay)
<b>certain automatically unfair dismissals: eg health and safety or whistleblowing</b>		
▪ basic award	£430	£12,900 (health and safety and certain others subject to a minimum of £5,300)
▪ compensatory award	unlimited	unlimited
redundancy pay	£430	£12,900
failure to conduct collective consultation (protective award)	unlimited	90 days' pay
discrimination	unlimited	unlimited
<b>dismissal for trade union reasons</b>		
▪ basic award	£430	£12,900 subject to a minimum of £5,300
▪ compensatory award	unlimited	£72,300
guarantee pay (no work provided)	£23.50 (per day)	£117.50 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 £430.
- The multiplier is subject to a maximum of 30 weeks.

## national minimum wage

rate	pay
adult rate (21 and over)	£6.08 per hour
development rate (18-20)	£4.98 per hour
youth rate (16-17)	£3.68 per hour
apprentice rate (under 19 or in the first year of apprenticeship)	£2.60 per hour

(This will be reviewed in October 2012)

## 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)	<ul style="list-style-type: none"> <li>▪ 26 weeks' service at the end of the relevant week*, and</li> <li>▪ for additional paternity leave, the mother or adopter entitled to leave must have returned to work</li> </ul>	28 weeks (two weeks' ordinary paternity leave within 56 days of the birth/ placement for adoption; 26 weeks' additional paternity leave from 20 weeks after the birth/ placement for adoption)
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"> <li>▪ 26 weeks' service at the end of the relevant week*, and</li> <li>▪ average weekly earnings of at least £107<sup>†</sup> for the eight weeks ending with the relevant week*</li> </ul>	<ul style="list-style-type: none"> <li>▪ 90% of average weekly earnings for six weeks</li> <li>▪ the lower of £135.45** or 90% of average weekly earnings, for following 33 weeks</li> </ul>
statutory paternity pay (childbirth and adoption)	<ul style="list-style-type: none"> <li>▪ service as for paternity leave, and</li> <li>▪ average weekly earnings of at least £107<sup>†</sup> for the eight weeks ending with the relevant week*, and</li> <li>▪ for additional statutory paternity pay, the mother/adopter must have at least two weeks' SMP, SAP or Maternity Allowance (MA) left when returning to work</li> </ul>	the lower of £135.45** or 90% of average weekly earnings for: <ul style="list-style-type: none"> <li>• (ordinary paternity leave) up to two weeks</li> <li>• (additional paternity leave) the unexpired period of the mother/adopter's SMP/SAP/MA</li> </ul>
statutory adoption pay	<ul style="list-style-type: none"> <li>▪ service as for adoption leave, and</li> <li>▪ average weekly earnings of at least £107<sup>†</sup> during the eight weeks ending with the relevant week*</li> </ul>	the lower of £135.45** 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 £128.73 before 1 April 2012

<sup>†</sup> or £102 where the relevant week is before 6 April 2012 (ie the lower earnings limit for Class 1 NI contributions)

NB: new rates from 1 April 2012 based on Government announcements at the time of going to press