

Employment Law Fact Sheet

Time Limits

Continuous service requirement for an unfair dismissal claim	1 year
To bring a claim for unfair dismissal	3 months from effective date of termination
Continuous service requirement for a statutory redundancy claim	2 years
To bring a claim for a statutory redundancy payment	6 months from date of termination of employment
Continuous service requirement for a discrimination claim	Nil
To bring a claim of discrimination	3 months from the act of discrimination
To bring a claim for equal pay	6 months from date of termination of employment
To file a Notice of Appearance	28 days from the date the Employment Tribunal sends out the Notice of Claim

Statutory Minimum Notice Periods

Employer must give:

- 1 week's notice after 1 month's continuous employment;
- 2 weeks' notice after 2 years' continuous employment; and
- thereafter 1 week's notice for each year of continuous service to a maximum of 12 weeks.

Employee must give:

- 1 week's notice after 1 month's continuous employment.

Dismissal

Unfair Dismissal

Every eligible employee has a right not to be unfairly dismissed. To be eligible an employee must:

- have been dismissed;
- have been continuously employed for at least 1 year;
- be within the age limits;
- not have validly contracted out of his rights (since 25.10.99 employees working under a fixed term cannot waive right to claim unfair dismissal); and
- not be within an excluded class.

Potentially fair reasons for dismissal include:

- capability or qualification
- conduct
- redundancy
- to avoid contravention of a statutory provision
- some other substantial reason
- retirement

Compensation Limits

Unfair Dismissal

Basic Award	Depends on employee's age, length of service and weekly pay (capped at £330 (as at 1st February 2008 per week). The maximum basic award is 30 weeks' pay, £9,900
Compensatory Award	Maximum of £63,000 (as at 1st February 2008)

Redundancy

A statutory redundancy payment will depend on age, number of years' continuous service (up to a maximum of 20 years) and employee's weekly wage (currently capped at £330).

Consultation

Failure to consult or arrange for elections for employee representatives when proposing to dismiss 20 or more employees in one establishment within a 90 day period	90 days' pay based on each employee's actual salary.
Failure to inform/consult employees of the transfer of the business	13 weeks' pay based on each employee's actual salary

Discrimination

Race	No upper limit
Sex	No upper limit
Disability	No upper limit
Equal pay	Difference between applicant's and comparator's rates
Sexual orientation	No upper limit
Religion and/or belief	No upper limit
Age	No upper limit

Statutory Sick Pay

First three days of illness	No pay
Four or more days in a row up to a maximum of 28 weeks	As from April 2008 a flat rate of £75.40 per week

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National Minimum Wage

From 1 October 2007 the National Minimum Wage for workers aged 22 and over	£5.52 an hour
From 1 October 2007 the youth rate for 18-21 years olds	£4.60 an hour
From 1 October 2007 a new rate for 16 and 17 year olds (above compulsory school leaving age)	£3.40 an hour

Statutory Dispute Resolution Regulations

Introduced on 1 October 2004. Employers are obliged to follow the disciplinary procedures when dismissing an employee (no requirement to follow procedures when issuing a warning or suspending on full pay, although it is good practice to do so). Employees should follow the grievance procedures prior to bringing a claim in the Employment Tribunal.

Failure by employer to follow the disciplinary procedures:

- An automatic finding of unfair dismissal.
- An increase in the employee's compensation.

Failure by the employee to follow the grievance procedures:

- Employment Tribunals will bar an employee from bringing a claim in the Tribunal until he has lodged his grievance with his employer and waited 28 days.
- Reduction in the level of compensation in the event of any other non-compliance with the procedure by the employee.

Procedures

The standard procedure for both disciplinary and grievance procedures require a three-stage process:

1. The problem to be set out in writing with full details provided to the other party;
2. A meeting between the parties to discuss the problem; and
3. If the employee so requests an appeal must be arranged.

Working Time Regulations

The basic rights and protections that the Regulations provide are:

- A limit of an average of 48 hours a week which a worker can be required to work (though workers can choose to work more if they want to.)
- A limit of an average of 8 hours' work in a 24 hour period which night workers can be required to work.
- Night workers to receive free health assessments.
- 11 hours of rest a day.
- A day off each week or 2 days off every other week.
- In-work rest breaks (of 20 minutes) if the working day is longer than 6 hours.
- 4.8 weeks' paid leave per year.

Age Discrimination

On 1 October 2006 the Employment Equality (Age) Regulations 2006 came into force. A summary of the new provisions is as follows:

- Direct and indirect discrimination on grounds of age will be unlawful unless objectively justified.
- New default retirement age of 65 years where there is no normal retirement age.
- Retirement ages below 65 years will only be lawful if objectively justified.
- No upper age limit for unfair dismissal.
- No upper or lower age limit on entitlement to statutory redundancy payments.
- New right to request working beyond retirement age.
- Retirement constitutes new 'fair' reason for dismissal.
- Retirement dismissals unfair if employer fails to follow 'duty to consider' procedure.

Maternity, Paternity & Parental Rights

Maternity Pay

Statutory maternity pay (SMP) is payable by an employer for up to 39 weeks to women who:

- have at least 26 weeks' service by the end of the fifteenth week before the baby is due; and
- have given their employer proper notification.

First 6 weeks	90% of employee's average weekly earning
Remaining 33 weeks	As from 1 April 2008 a flat rate of £117.18 per week

Statutory Maternity Leave

All employees regardless of length of service	52 weeks' statutory maternity leave (minimum of 2 weeks' compulsory leave after week in which birth occurs)
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Paternity Leave

Male employees who have at least 26 weeks' service by the end of the week immediately preceding the 14th week before the expected week of the child's birth are entitled to 2 weeks' paid paternity leave within 56 days of the birth, capped at £117.18 per week as of 1 April 2008.

Parental Leave

All employees, male and female, with over one year's continuous employment, are entitled to a period of 13 weeks' unpaid leave which may be taken at any time within 5 years of the birth of the child. For female employees this may be added to maternity leave. No more than 4 weeks' parental leave may be taken in any one year.