

Employment Law

Facts & Figures 2016

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Compensation limits from 6 April 2016

| Complaint | Maximum award |
|--|--|
| Discrimination | Unlimited |
| Unfair dismissal: <ul style="list-style-type: none"> • Basic award • Compensatory award | £14,370 £78,962* (unlimited in certain circumstances) |
| Additional award for failure to reinstate | 26 to 52 weeks' pay (£12,454 to £24,908) |
| A week's pay used to calculate basic awards and statutory redundancy payments | £479 |
| Statutory redundancy pay | £14,370 |
| Dismissal for union or employee representative or pension trustee reasons: <ul style="list-style-type: none"> • Basic award • Compensatory award | £14,370 (minimum £5,853) £78,962* |
| Dismissal for health and safety reasons: <ul style="list-style-type: none"> • Basic award • Compensatory award | £14,370 (minimum £5,853) No limit |
| Dismissal for making a protected disclosure: <ul style="list-style-type: none"> • Basic award • Compensatory award | £14,370 No limit |
| Contract claims | £25,000 in the Employment Tribunal (no limit in the High or County Courts) |
| Failure to conduct collective consultation | 90 days' gross pay per employee |
| Failure to inform or consult over a TUPE transfer | 13 weeks' gross pay per employee |
| Breach of right to be accompanied | 2 weeks' pay (up to £958) |
| Breach of flexible working regulations | 8 weeks' pay (up to £3,832) |
| Failure to give statement of employment particulars | £958 or £1,916 |
| Guarantee pay if no work is provided | £26.00 per day up to a maximum of £130.00 in respect of 5 days in any 3 month period |

*Capped at 52 weeks' pay (if less)

Qualifying periods and time limits

| Complaint | Qualifying period | Time limit to bring claim |
|---|---|---|
| Discrimination | None | 3 months from the date of the act complained of |
| Equal pay | None | 6 months from the last day of employment in the Employment Tribunal (6 years from breach in the High Court or County Court) |
| Written reasons for dismissal | 2 years (1 year if started work before 06 .04. 12) | 3 months starting from EDT* |
| Unfair dismissal | 2 years (1 year if started work before 06. 04. 12) | 3 months starting from EDT* |
| Automatically unfair dismissal eg: pregnancy, health & safety and whistle blowing | None | 3 months starting from EDT* |
| Statutory redundancy payment | 2 years | 6 months from relevant date |
| Failure to conduct collective consultation | None | 3 months starting with the date the last dismissal takes effect |
| Failure to pay a protective award | None | 3 months starting with the last day in respect of which the complaint is made |
| Failure to consult under TUPE | None | 3 months from the date of the transfer |
| Written particulars of employment | 1 month | 3 months from the date employment ceased |
| Contract claim | None | 3 months from EDT* in the Employment Tribunal (6 years from breach in the High Court or County Court) |

*EDT means effective date of termination

National minimum wage

| Category of worker | From 1 Oct 2015 | From 1 Oct 2016 |
|----------------------|------------------|------------------|
| Aged 21+ | £6.70 per hour * | £6.95 per hour * |
| Aged 18-20 | £5.30 per hour | £5.55 per hour |
| Aged 16-17 | £3.87 per hour | £4.00 per hour |
| Apprentice | £3.30 per hour | £3.40 per hour |
| Accommodation offset | £5.35 per day | £6.00 per day |

Calculating statutory redundancy pay

| 1½ week's pay | Each year in employment aged 41+ |
|-------------------------|---|
| 1 week's pay | Each year in employment aged 22-40 |
| ½ week's pay | Each year in employment aged 21 & under |
| Maximum week's pay | £479 |
| Maximum number of years | Last 20 worked |

Statutory minimum notice to employers

| Length of employment | Notice required |
|----------------------|---------------------------------|
| Under 1 month | No statutory notice requirement |
| 1 month or more | 1 week |

Statutory minimum notice to employees

| Length of employment | Notice required |
|----------------------|--|
| Under 1 month | No statutory notice requirement |
| 1 month to 2 years | 1 week |
| 2 years to 12 years | 1 week for each completed year of employment |
| 12 years or more | 12 weeks |

Working time

Subject to some exceptions and special cases

| Type of leave | Minimum amount |
|------------------------------|--|
| Paid annual leave | 5.6 weeks |
| Rest break after 6 hours | 20 minutes (30 minutes after 4½ hours for 16-17 year olds) |
| Daily rest period | 11 hours (12 hours for 16-17 year olds) |
| Weekly rest period | 24 hours (48 hours for 16-17 year olds) |
| Maximum average working time | 48 hours per week (in last 17 weeks) |

*From 1 April 2016, workers aged 25 and over are entitled to the national living wage of £7.20 per hour

Sick pay From 6 April 2016

| Payment | Rate | Maximum period |
|--------------------|--------|----------------|
| Statutory sick pay | £88.45 | 28 weeks |

Family friendly payments

| | From 6 April 2016 | Max period |
|---------------------------------------|--|---|
| Statutory maternity pay (higher rate) | 90% of normal weekly earnings | 6 weeks |
| Statutory maternity pay (basic rate) | £139.58 a week or 90% of normal weekly earnings if lower | 33 weeks |
| Maternity allowance | £139.58 a week or 90% of normal weekly earnings if lower | 39 weeks |
| Statutory paternity pay | £139.58 a week or 90% of normal weekly earnings if lower | 2 weeks |
| Statutory adoption pay (higher rate) | 90% of normal weekly earnings | 6 weeks |
| Statutory adoption pay (basic rate) | £139.58 a week or 90% of normal weekly earnings if lower | 33 weeks |
| Shared parental pay | £139.58 a week or 90% of normal weekly earnings if lower | 39 weeks less any time taken by the mother or adopter |

Family friendly leave

| | Maximum entitlement |
|---------------------------|--|
| Statutory maternity leave | 52 weeks (26 weeks ordinary and 26 weeks additional) |
| Statutory paternity leave | 28 weeks (2 weeks ordinary and 26 weeks additional)* |
| Statutory adoption leave | 52 weeks (26 weeks ordinary and 26 weeks additional) |
| Shared parental leave | 52 weeks less any time taken by the mother or adopter |
| Parental leave | 18 weeks unpaid per child in respect of children aged under 18 |
| Time off for dependants | "Reasonable" amount (unpaid) |

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