

# Employment Law

Facts & Figures 2019



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**Stephensons**

## Compensation limits from 6 April 2019

Complaint	Maximum award
Discrimination	Unlimited
Unfair dismissal: <ul style="list-style-type: none"> <li>• Basic award</li> <li>• Compensatory award</li> </ul>	£15,750 £86,444* (unlimited in certain circumstances)
Additional award for failure to reinstate	26 to 52 weeks' pay (£13,650 to £27,300)
A week's pay used to calculate basic awards and statutory redundancy payments	£525
Statutory redundancy pay	£15,750
Dismissal for union or employee representative or pension trustee reasons: <ul style="list-style-type: none"> <li>• Basic award</li> <li>• Compensatory award</li> </ul>	£15,750 (minimum £6,408) £86,444*
Dismissal for health and safety reasons: <ul style="list-style-type: none"> <li>• Basic award</li> <li>• Compensatory award</li> </ul>	£15,750 (minimum £6,408) No limit
Dismissal for making a protected disclosure: <ul style="list-style-type: none"> <li>• Basic award</li> <li>• Compensatory award</li> </ul>	£15,750 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 £1,050)
Breach of flexible working regulations	8 weeks' pay (up to £4,200)
Failure to give statement of employment particulars	£1,050 or £2,100
Guarantee pay if no work is provided	£29.00 per day up to a maximum of £145.00 in respect of 5 days in any 3 month period
Aggravated breach of a worker's rights	£20,000

\*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

## Sick pay

Payment	From 6 April 2019
Statutory sick pay	£94.25

## National minimum wage / Living wage

Category of worker	From 1 April 2019
Aged 25 and over (NLW*)	£8.21 per hour
Aged 21-24	£7.70 per hour
Aged 18-20	£6.15 per hour
Aged 16-17	£4.35 per hour
Apprentice	£3.90 per hour
Accommodation Offset	£7.55 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
1½ week's pay	Each year in employment aged 21 and under
Maximum week's pay	£525
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)

\*Since 1 April 2016, workers aged 25 and over are entitled to the National Living Wage (NLW).

## Family friendly payments

	From 7 April 2019	Max period
Statutory maternity pay (higher rate)	90% of normal weekly earnings	6 weeks
Statutory maternity pay (basic rate)	£148.68 a week or 90% of normal weekly earnings if lower	33 weeks
Statutory paternity pay	£148.68 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)	£148.68 a week or 90% of normal weekly earnings if lower	33 weeks
Shared parental pay	£148.68 a week or 90% of normal weekly earnings if lower	39 weeks less any time taken by the mother or adopter
	From 8 April 2019	Max period
Maternity allowance	£148.68 a week or 90% of normal weekly earnings if lower	39 weeks

## Family friendly leave

	Maximum entitlement
Statutory maternity leave	52 weeks (26 weeks ordinary and 26 weeks additional)
Statutory paternity leave	2 weeks leave
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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