

Employment Law

Facts & Figures 2015




Burnetts
It's not just business, it's personal

Compensation limits from 6 April 2015

Complaint	Maximum award
Discrimination	Unlimited
Unfair dismissal: <ul style="list-style-type: none"> • Basic award • Compensatory award 	£14,250 £78,335* (unlimited in certain circumstances)
Additional award for failure to reinstate	26 to 52 weeks' pay (£12,350 to £24,700)
A week's pay used to calculate basic awards and statutory redundancy payments	£475
Statutory redundancy pay	£14,250
Dismissal for union or employee representative or pension trustee reasons: <ul style="list-style-type: none"> • Basic award • Compensatory award 	£14,250 (minimum £5,807) £78,335*
Dismissal for health and safety reasons: <ul style="list-style-type: none"> • Basic award • Compensatory award 	£14,250 (minimum £5,807) No limit
Dismissal for making a protected disclosure: <ul style="list-style-type: none"> • Basic award • Compensatory award 	£14,250 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 £950)
Breach of flexible working regulations	8 weeks' pay (up to £3,800)
Failure to give statement of employment particulars	£950 or £1,900
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 2014	From 1 Oct 2015
Aged 21+	£6.50 per hour	£6.70 per hour
Aged 18-20	£5.13 per hour	£5.30 per hour
Aged 16-17	£3.79 per hour	£3.87 per hour
Apprentice	£2.73 per hour	£3.30 per hour
Accommodation offset	£5.08 per day	£5.35 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	£475
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)

Sick pay From 6 April 2015

Payment	Rate	Maximum period
Statutory sick pay	£88.45	28 weeks

Family friendly payments

	From 5 April 2015	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
Additional statutory paternity pay*	£139.58 a week if the mother has returned to work with SMP remaining	26 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)

*Additional statutory paternity leave and pay are only available where the expected week of childbirth began before 5 April 2015.

** If the child was placed for adoption before 5 April 2015, statutory adoption pay is paid at £139.58 per week for 39 weeks.

***Shared parental leave and pay are only available where the expected week of childbirth began on or after 5 April 2015 (or a child was placed for adoption on or after that date).



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