

Hayton

Winkley

Solicitors

Employment Law

Handy Fact Card 2008/9

Hayton Winkley Solicitors

53 Stramongate, Kendal, Cumbria, LA9 4BH 25 Crescent Road, Windermere, Cumbria, LA23 1BJ

Telephone 01539 720136 or 015394 46585

www.hwlegal.co.uk gail.escolme@hwlegal.co.uk

EMPLOYMENT LAW HANDY FACT 2008/9

QUALIFICATION PERIOD AND TIME LIMITS		
Complaint	Qualifying period	Time limit to bring claim
Dismissal		
- written reasons for dismissal	1 year	3 months starting from ETD (Effective date of termination)
- unfair dismissal	1 year (but reduced to none or 1 month in certain cases)	3 months starting from ETD
Redundancy		
Redundancy pay-	2 years	6 months from relevant date
Failure to consult over proposed redundancies	N/A	Before dismissal or 3 months starting with the date on which dismissal takes effect
Pregnancy dis-	None	3 months from EDT
Discrimination	None	3 months from date of last act complained of
Equal pay	None	6 months starting from termination of employment
Miscellaneous		
Guarantee pay	1 month	3 months starting from date when payment is payable
Written particulars of employment	None*	3 months starting from date employment ceased
Contract claim	None	At Employment Tribunal—3 months from EDT or last working day At Court—6 years from breach of contract

*Employers must provide written particulars within 2 months of commencement of employment

NATIONAL MINIMUM WAGE		From October 2008
Adult rate (22 and over)	£5.52 per hour	£5.73 per hour
Development rate (18-21)	£4.60 per hour	£4.77 per hour
Youth rate (16-17)	£3.40 per hour	£3.53 per hour

COMPENSATION LIMITS		
Complaint	Limit on	Maximum award
Unfair Dismissal		
Basic award	£330	9,900
Compensatory award	-	£63,000
Additional award— failure to reinstate	£330	£8580—£17160
Redundancy pay	£330	£9,900
Discrimination		No limit
Dismissal for trade union reasons		
Basic award	£330	£9,900 subject to a minimum of £4,400
Compensatory award	-	£63,000
Guarantee pay	£20.40 (per day)	£102.00 in respect of 5 days in 3 months period
Contractual claims brought in Employment Tribunal		£25,000

STATUTORY NOTICE	
Length of Employment	Notice to employee by employer
Under 1 month	No statutory notice required
1 month to 2 years	1 week
2 years to 12 years	1 week for each completed year of employment
Over 12 years	12 weeks

NOTICE TO EMPLOYERS BY EMPLOYEES IS 1 WEEK AFTER 1 MONTH'S EMPLOYMENT

REDUNDANCY CALCULATION	
AGE OF EMPLOYEE	MULTIPLIER
Between 18 and 21	1/2 x week's pay
Between 22 and 41	1 x week's pay
41 onwards	1 1/2 week's pay

An employee must complete 2 year's service to qualify for redundancy. The week's pay is an actual week's gross pay up to a maximum of £330. Only the most recent 20 years service are taken into account if long term employee. The multiplier is subject to a maximum of 30 weeks. Calculations for employees over 61 are the same as for an employee who is 61.