

About us

Thomson Snell & Passmore is a law firm with a reputation for providing high quality, intelligent advice. We provide a comprehensive legal service and build long-term relationships by encouraging a culture of respect, understanding and excellence. It's a common sense approach that's surprisingly uncommon.

Building a lasting partnership gives us an in-depth understanding of your organisation and strategy so that we can find commercially focused solutions to whatever legal issues you face. Our clients are listed and unlisted companies including subsidiaries of overseas multinationals, public and third sector organisations, financial institutions, company directors and shareholders and owner managed businesses.

Our Employment team is rated in the top tier in the Legal 500 and Chambers UK. Nick Hobden and Susanna Gilmartin, both partners in the team, are noted as leading individuals in Chambers UK 2011 and experts in Legal Business 2010.

For more details please visit our website at www.ts-p.co.uk or give us a call. Whatever the challenge, we'll get the job done. We look forward to working with you.



The content of this leaflet is correct at the time of going to press and is intended to provide a general guide to the subject matter. It should not be considered comprehensive and is not a substitute for seeking professional advice on a specific issue.

Employment law 2010 reference guide

Guide



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Employment right	Qualifying period	Normal time limit	Amount payable	Maximum
Unfair dismissal Unfair dismissal for: pregnancy, trade union, health and safety reasons, for making a protected disclosure and/or asserting a statutory right	1 year None	3 months from dismissal date	(i) Basic award – normally dependent on age, length of service and gross weekly wage (maximum of £380) (ii) Compensatory award – whatever is just and equitable, having regard to financial loss suffered by claimant N.B. Up to 25% uplift in compensatory award payable if the employer unreasonably fails to follow the ACAS Code of Practice	(i) Basic award capped at £11,400 (ii) Compensatory award capped at £65,300 (with the exception of dismissals for making protected disclosures or for health and safety reasons, where there is no limit)
Statutory redundancy payment	2 years	6 months from dismissal date	Dependent on age, length of service and gross weekly wage (maximum of £380)	£11,400
Sex, marital or civil partnership status, sexual orientation, race, religion or philosophical belief, disability and/or age discrimination	None	3 months from date of last discriminatory act	Whatever is just and equitable, having regard to the financial loss suffered by the claimant and any injury to feelings and/or personal injury	No limit
Failure to consult with employee representatives on collective redundancies	None	3 months from date of last dismissal	Protective award	Up to 90 days' pay
Equal pay	None	6 months from termination of employment	Sum equivalent to financial loss suffered by reason of inequality in pay	No limit (subject to maximum of 6 years' losses)
Less favourable treatment of part-time workers and/or fixed-term employees	None	3 months from date of less favourable treatment	Whatever is just and equitable	No limit
Failure to provide written particulars of employment	N/A	N/A	2 or 4 weeks' pay	£760 or £1,520
Unlawful deduction from wages	None	3 months from date of last deduction	Amount of unlawful deduction	No limit
Breach of contract (employment tribunal claim)	None	3 months from termination of employment	Compensatory damages for financial loss arising from the breach	£25,000
Failure to provide written reasons for dismissal	1 year	3 months from dismissal date	2 weeks' pay	N/A

N.B: Compensation limits change every February. The next change is due in February 2011

Employment right	Qualifying period	Details
Guarantee payment	1 month	£21.20 per day for a maximum of 5 days' pay in any three month period (total £106.00)
Statutory maternity leave	None	Right to 52 weeks' maternity leave
Statutory maternity pay	26 weeks ending with 15th week before EWC*	Right to 39 weeks' pay (90% of pay for first 6 weeks and £124.88 per week or 90% of pay for 33 weeks thereafter, whichever is the lesser)
Ordinary paternity leave	26 weeks ending with 15th week before EWC*	Right to 2 weeks' paternity leave
Ordinary statutory paternity pay	26 weeks ending with 15th week before EWC*	Right to 2 weeks' pay (90% of pay or £124.88 per week, whichever is the lesser)
Statutory sick pay	None	£79.15 per week (maximum 28 weeks' entitlement paid)
Main rates for the National Minimum Wage (NMW) as from October 2010	None	£3.64 for 16-17 year olds; £4.92 for 18-20 year olds; and £5.93 for adult workers (21 and over)

N.B: All rates shown in the box above change in April each year (except NMW, which changes in October)

* Expected week of childbirth

The Equality Act 2010 – the main measures

Under the new Equality Act 2010 it will be unlawful to:

- discriminate against, harass or victimise employees because of a “protected characteristic” (e.g. sex, race, disability, age, sexual orientation, religion or belief, pregnancy, maternity, gender reassignment, marriage or civil partnership status)
- discriminate against, harass or victimise employees because of a combination of two (but not more than two) “protected characteristics”
- ask questions about the health of job applicants prior to offering them employment (subject to certain exceptions)
- enforce pay secrecy clauses, where a disclosure has been made with the intention of finding out whether pay arrangements are discriminatory.