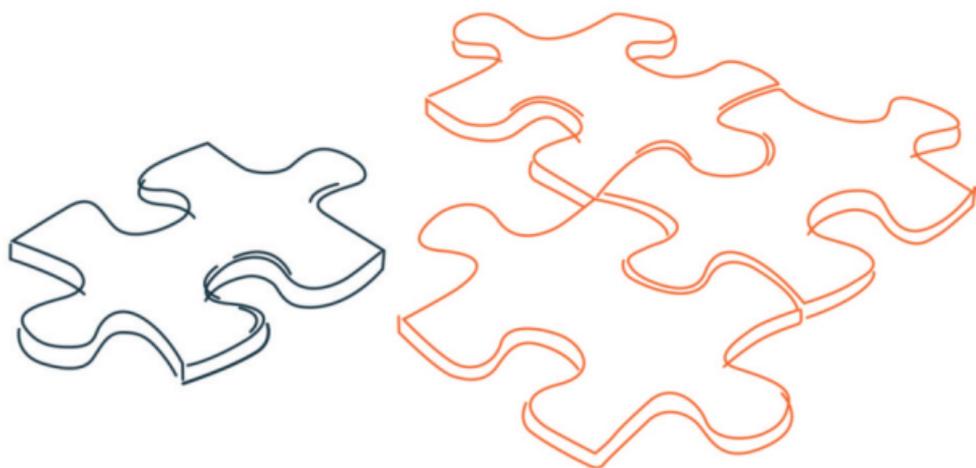


# Employment Law

Facts & Figures April 2018



**Thomson Snell & Passmore**  
Here for you since 1570

## Compensation limits from 6 April 2018

| Complaint   | Maximum award  |
|---|--|
| Discrimination  | Unlimited  |
| Unfair dismissal:<br><ul style="list-style-type: none"> <li>• Basic award</li> <li>• Compensatory award</li> </ul>  | £15,240<br>£83,682* (unlimited in certain circumstances)                             |
| Additional award for failure to reinstate   | 26 to 52 weeks' pay<br>(£13,208 to £26,416)  |
| A week's pay used to calculate basic awards and statutory redundancy payments   | £508   |
| Statutory redundancy pay  | £15,240  |
| Dismissal for union or employee representative or pension trustee reasons:<br><ul style="list-style-type: none"> <li>• Basic award</li> <li>• Compensatory award</li> </ul> | £15,240 (minimum £6,203)<br>£83,682*   |
| Dismissal for health and safety reasons:<br><ul style="list-style-type: none"> <li>• Basic award</li> <li>• Compensatory award</li> </ul>                                   | £15,240 (minimum £6,203)<br>No limit   |
| Dismissal for making a protected disclosure:<br><ul style="list-style-type: none"> <li>• Basic award</li> <li>• Compensatory award</li> </ul>                               | £15,240<br>No limit  |
| Contract claims   | £25,000 in the Employment Tribunal<br>(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 £1,016)  |
| Breach of flexible working regulations  | 8 weeks' pay (up to £4,046)  |
| Failure to give statement of employment particulars   | £1,016 or £2,032   |
| Guarantee pay if no work is provided  | £28.00 per day up to a maximum of £140.00 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<br>(1 year if started work before 06 .04. 12) | 3 months starting from EDT*   |
| Unfair dismissal  | 2 years<br>(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 2018 |
|--------------------|-------------------|
| Statutory sick pay | £92.05            |

## National minimum wage / Living wage

| Category of worker      | From 1 April 2018 |
|-------------------------|-------------------|
| Aged 25 and over (NLW*) | £7.83 per hour    |
| Aged 21-24              | £7.38 per hour    |
| Aged 18-20              | £5.90 per hour    |
| Aged 16-17              | £4.20 per hour    |
| Apprentice              | £3.70 per hour    |
| Accommodation Offset    | £7.00 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 and under |
| Maximum week's pay      | £508                                      |
| 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 1 April 2018  | Max period  |
|---------------------------------------|--|---|
| Statutory maternity pay (higher rate) | 90% of normal weekly earnings                            | 6 weeks   |
| Statutory maternity pay (basic rate)  | £145.18 a week or 90% of normal weekly earnings if lower | 33 weeks  |
| Statutory paternity pay               | £145.18 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)   | £145.18 a week or 90% of normal weekly earnings if lower | 33 weeks  |
| Shared parental pay                   | £145.18 a week or 90% of normal weekly earnings if lower | 39 weeks less any time taken by the mother or adopter |
|                                       | From 9 April 2018  | Max period  |
| Maternity allowance                   | £145.18 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)                                   |

**Nick Hobden** T 01892 701326  
nick.hobden@ts-p.co.uk

**Ben Stepney** T 01892 701359  
ben.stepney@ts-p.co.uk

**Elizabeth Maxwell** T 01322 422551  
elizabeth.maxwell@ts-p.co.uk

**Alexander Millward** T 01322 623707  
alexander.millward@ts-p.co.uk

[www.ts-p.co.uk](http://www.ts-p.co.uk)  
[@pragmaticlawyer](https://www.instagram.com/pragmaticlawyer)

**Tunbridge Wells Office**  
T 01892 510000

**Thames Gateway Office**  
T 01322 623700

These facts & figures were correct at publication in March 2018 and may be subject to change. They are for guidance only and do not constitute legal or professional advice. Readers should not act on the basis of the information included and should take appropriate professional advice upon their own particular circumstances.