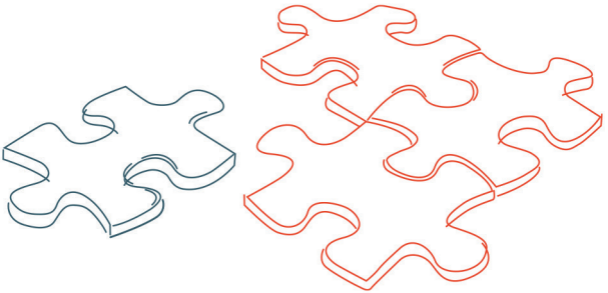


# Employment Law

Facts & Figures April 2021



**Thomson Snell & Passmore**  
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## Compensation limits from 6 April 2021

| Complaint   | Maximum award  |
|---|--|
| Discrimination  | Unlimited  |
| Unfair dismissal:<br><ul style="list-style-type: none"> <li>• Basic award</li> <li>• Compensatory award</li> </ul>  | £16,320<br>£89,493* (unlimited in certain circumstances)                       |
| Additional award for failure to reinstate   | 26 to 52 weeks' pay<br>(£14,144 to £28,288)                                    |
| A week's pay used to calculate basic awards and statutory redundancy payments   | £544   |
| Statutory redundancy pay  | £16,320  |
| 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> | £16,320 (minimum £6,634)<br>£89,493*   |
| Dismissal for health and safety reasons:<br><ul style="list-style-type: none"> <li>• Basic award</li> <li>• Compensatory award</li> </ul>                                   | £16,320 (minimum £6,634)<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>                               | £16,320<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 £1,088)  |
| Breach of flexible working regulations  | 8 weeks' pay (up to £4,352)  |
| Failure to give statement of employment particulars   | £1,088 or £2,176   |
| Guarantee pay if no work is provided  | £30 per day up to a maximum of £150 in respect of 5 days in any 3 month period |
| Aggravated breach of a worker's rights  | £20,000 (minimum £100)   |

\*Capped at 52 weeks' pay (if less)

## Qualifying periods and time limits

| Complaint   | Qualifying period  | Time limit to bring claim (may be extended by Acas early conciliation)  |
|---|--|---|
| 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 (none if pregnant or on maternity leave or adoption leave) | 3 months starting from EDT*   |
| Unfair dismissal  | 2 years  | 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  |
| Failure to provide written particulars of employment                              | None (1 month for employees starting before 6 April 2020)          | 3 months starting from EDT*   |
| 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 2021 |
|--------------------|-------------------|
| Statutory sick pay | £96.35            |

## National minimum wage / Living wage

| Category of worker      | From 1 April 2021 |
|-------------------------|-------------------|
| Aged 23 and over (NLW*) | £8.91 per hour    |
| Aged 21-22              | £8.36 per hour    |
| Aged 18-20              | £6.56 per hour    |
| Aged 16-17              | £4.62 per hour    |
| Apprentice              | £4.30 per hour    |
| Accommodation Offset    | £8.36 per day     |

\*Since 1 April 2021, workers aged 23 and over are entitled to the National Living Wage (NLW).

## 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      | £544                                      |
| 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)                       |

## Family friendly payments

|                                       | From 4 April 2021  | Max period  |
|---------------------------------------|--|---|
| Statutory maternity pay (higher rate) | 90% of normal weekly earnings                            | 6 weeks   |
| Statutory maternity pay (basic rate)  | £151.97 a week or 90% of normal weekly earnings if lower | 33 weeks  |
| Statutory paternity pay               | £151.97 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)   | £151.97 a week or 90% of normal weekly earnings if lower | 33 weeks  |
| Shared parental pay                   | £151.97 a week or 90% of normal weekly earnings if lower | 39 weeks less any time taken by the mother or adopter |
| Parental bereavement pay              | £151.97 a week or 90% of normal weekly earnings if lower | 2 weeks   |
|                                       | From 12 April 2021                                       | Max period  |
| Maternity allowance                   | £151.97 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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