

mulberry's
Employment Law Solicitors



Employment Law

Facts & Figures 2020

Compensation limits from 6 April 2020

| Complaint | Maximum award |
|---|--|
| Discrimination | Unlimited |
| Unfair dismissal: <ul style="list-style-type: none"> • Basic award • Compensatory award | £16,140 £88,519* (unlimited in certain circumstances) |
| Additional award for failure to reinstate | 26 to 52 weeks' pay (£13,988 to £27,976) |
| A week's pay used to calculate basic awards and statutory redundancy payments | £538 |
| Statutory redundancy pay | £16,140 |
| Dismissal for union or employee representative or pension trustee reasons: <ul style="list-style-type: none"> • Basic award • Compensatory award | £16,140 (minimum £6,562) £88,519* |
| Dismissal for health and safety reasons: <ul style="list-style-type: none"> • Basic award • Compensatory award | £16,140 (minimum £6,562) No limit |
| Dismissal for making a protected disclosure: <ul style="list-style-type: none"> • Basic award • Compensatory award | £16,140 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 £1,076) |
| Breach of flexible working regulations | 8 weeks' pay (up to £4,304) |
| Failure to give statement of employment particulars | £1,076 or £2,152 |
| 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 |

*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 | 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 | 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 2020 |
|--------------------|-------------------|
| Statutory sick pay | £95.85 |

National minimum wage / Living wage

| Category of worker | From 1 April 2020 |
|-------------------------|-------------------|
| Aged 25 and over (NLW*) | £8.72 per hour |
| Aged 21-24 | £8.20 per hour |
| Aged 18-20 | £6.45 per hour |
| Aged 16-17 | £4.55 per hour |
| Apprentice | £4.15 per hour |
| Accommodation Offset | £8.20 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 | £538 |
| 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 5 April 2020 | Max period |
|---------------------------------------|--|---|
| Statutory maternity pay (higher rate) | 90% of normal weekly earnings | 6 weeks |
| Statutory maternity pay (basic rate) | £151.20 a week or 90% of normal weekly earnings if lower | 33 weeks |
| Statutory paternity pay | £151.20 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) | £151.20 a week or 90% of normal weekly earnings if lower | 33 weeks |
| Shared parental pay | £151.20 a week or 90% of normal weekly earnings if lower | 39 weeks less any time taken by the mother or adopter |
| | From 6 April 2020 | Max period |
| Maternity allowance | £151.20 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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