

Employment Law

# Facts & Figures 2021

## Compensation limits from 1 April 2021

Complaint	Maximum Award
Discrimination	Unlimited
Unfair Dismissal: <ul style="list-style-type: none"> <li>Basic Award</li> <li>Compensatory Award</li> </ul>	£16,320 £89,493 (Unlimited in certain circumstances)
Additional award for failure to reinstate	26 - 52 weeks' pay (£14,144 - £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: <ul style="list-style-type: none"> <li>Basic Award</li> <li>Compensatory Award</li> </ul>	£16,320 (minimum £6,634) £89,493
Dismissal for health and safety reasons: <ul style="list-style-type: none"> <li>Basic Award</li> <li>Compensatory Award</li> </ul>	£16,320 (minimum £6,634) No limit
Dismissal for making a protected disclosure: <ul style="list-style-type: none"> <li>Basic Award</li> <li>Compensatory Award</li> </ul>	£16,320 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 £1,088)
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

# Qualifying Periods & Time Limits for compensation

Complaint	Qualifying period	Time limit to bring claim
Discrimination	None	3 months from the date of the act complained of.
Equal pay	None	<b>England/Wales:</b> 6 years from breach in High Court or County Court. <b>Scotland:</b> 5 years from breach in Sheriff Court or Court of Session.
Written reasons for dismissal	2 years	3 months starting from EDT*
Unfair dismissal	103 weeks	3 months starting from EDT*
Automatically unfair dismissal (eg. Pregnancy, whistleblowing, health & safety, etc.)	None	3 months starting from EDT*
Statutory redundancy payment	2 years	6 months starting from EDT*
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	<b>England/Wales:</b> 6 years from breach in High Court or County Court. <b>Scotland:</b> 5 years from breach in Sheriff Court or Court of Session.

\*EDT stands for Effective Date of Termination

## Sick Pay

Payment	From 1 April 2021
Statutory sick pay	£96.35

## National Minimum/Living Wage Rates

Category of Worker	From 1 April 2021
Aged 23+ (NLW*)	£8.91 per hour
Aged 21 - 22	<b>£8.36</b> 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

\* From 1 April 2021 the National Living Wage was extended to 23 and 24 year olds.

## Calculating Statutory Redundancy Pay

	Rate
Each year in Employment aged 41+	1½ week's pay
Each year in Employment aged 22 - 40	<b>1 week's pay</b>
Each year in Employment aged 21 and under	½ week's pay
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 to 2 years	<b>1 week</b>

## Statutory minimum notice to employees

Length of Employment	Notice Required
Under 1 month	No statutory notice requirement
1 month to 2 years	<b>1 week</b>
2 years to 12 years	<b>1 week for each completed year of employment</b>
12 years or more	<b>12 weeks</b>

## Working Time (Subject to some exceptions and special cases)

	Rate
Paid annual leave	5.6 weeks
Rest break after 6 hours	<b>20 minutes</b>
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

Type of Pay	Rate	Max Period
Statutory maternity pay <i>(higher rate)</i>	90% of normal weekly earnings	6 weeks
Statutory maternity rate <i>(basic rate)</i>	<b>£151.97 a week, or 90% of normal weekly earnings if lower.</b>	<b>33 weeks</b>
Statutory paternity pay	<b>£151.97 a week, or 90% of normal weekly earnings if lower.</b>	2 weeks
Statutory adoption pay <i>(higher rate)</i>	90% of normal weekly earnings	6 weeks
Statutory adoption pay <i>(basic rate)</i>	<b>£151.97 a week, or 90% of normal weekly earnings if lower.</b>	33 weeks
Shared parental pay	<b>£151.97 a week, or 90% of normal weekly earnings if lower.</b>	39 weeks, minus time taken by other parent
Maternity allowance	<b>£151.97 a week, or 90% of normal weekly earnings if lower.</b>	29 weeks
Statutory parental bereavement pay	<b>£151.97 a week, or 90% of normal weekly earnings if lower.</b>	2 weeks

## Family Friendly Leave

Type of Leave	Maximum Entitlement
Statutory maternity leave	52 weeks (26 weeks ordinary, 26 weeks additional)
Statutory paternity leave	<b>2 weeks leave</b>
Statutory adoption leave	52 weeks (26 weeks ordinary, 26 weeks additional)
Shared parental leave	52 weeks, less any time taken by other parent
Parental Leave	18 weeks unpaid per child (if child aged under 18)
Time off for dependents	39 weeks, less any time taken by other parent



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