

Compensation limits

Employment right	Maximum award
Unfair dismissal	
Basic award	£11,400 (a)
Compensatory award	£65,300 (b)
Additional award	£9,880-19,760 (i.e. 26-52 weeks' pay)
Redundancy pay	£11,400 (c)
Discrimination	No limit
Dismissal for union/employee representative or pension trustee reasons	
Basic award	£11,400 (minimum £4,700) (a)
Compensatory award	£65,300 (b)
Dismissal for health and safety reasons	
Basic award	£11,400 (minimum £4,700) (a)
Compensatory award	No limit (b)
Dismissal for making a protected disclosure	
Basic award	£11,400 (a)
Compensatory award	No limit
Guarantee pay	£106.00 (5 days in any period of 3 months) (£21.20 a day)
Contract claims in a tribunal	£25,000

Limit on week's pay = £380 (where applicable)

- (a) Applies to dismissals where the effective date of termination fell on or after 1 October 2009
- (b) Applies to dismissals where the effective date of termination fell on or after 1 February 2010
- (c) Applies to dismissals where the 'relevant date' fell on or after 1 October 2009

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2010

IDS Brief

Employment Law Fact Card 2010

A quick guide to key rights and changes

IDS

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Employment legislation in 2010 and beyond

Date	Legislation	Effect
1 October 2010	Equality Act 2010	The main provisions of the Equality Act 2010, which consolidate and harmonise complex discrimination law, come into force.
April 2011	Employment Equality (Age) Regulations 2006 SI 2006/1031	The default retirement age of 65 is expected to be phased out from April 2011. The Government's response to consultation is expected this Autumn.
April 2011	TBA	The right to request flexible working will be extended to parents of children under 18. Flexible working for all employees and a flexible parental leave system may be introduced in 2011.
April 2011	Apprenticeships, Skills, Children and Learning Act 2009	The right to request training for employees whose employer employs fewer than 250 people was to be introduced in April 2011. It is now under review as part of the Government's drive to reduce red tape.
April 2011	Bribery Act 2010	The Act repeals the common law bribery offences and creates new offences with a maximum penalty of ten years' imprisonment or an unlimited fine for which employees, directors and commercial organisations can be liable. Consultation on the guidance about procedures which commercial organisations can put in place to prevent bribery runs until 8 November 2010.
April 2011	Additional Paternity Leave Regulations 2010 SI 2010/1055 and related regulations	Mothers with maternity leave outstanding after the child is 20 weeks old will be able to 'transfer' up to six months of maternity leave to the father or partner, some of it paid. The measure is effective for parents of children due on or after 3 April 2011.
5 June 2011	Transnational Information and Consultation of Employees (Amendment) Regulations 2010 SI 2010/1088	The Regulations aim to increase the use of European Work Councils. The changes include new definitions of information and consultation, and requiring arrangements for informing and consulting employees to be defined and implemented.
1 October 2011	Agency Workers Regulations 2010 SI 2010/93	The Regulations implement the Temporary Agency Workers Directive (2008/104/EC) and grant agency workers the right to equal treatment in matters of pay and conditions with staff hired directly by the employer once the worker has satisfied a 12-week qualifying period.

Employment legislation in 2010 and beyond, cont'd

Date	Legislation	Effect
By 2012	Parental Leave Directive (2010/18/EU)	Extends parental leave from three to four months for each parent of which at least one month must be non-transferrable to the other parent (i.e. it is lost if not taken) to encourage fathers to take the leave. Also clarifies that all workers may take parental leave regardless of their contract type.
5 June 2012	TBA	Extra bank holiday to celebrate the Queen's Diamond Jubilee.
2012 onwards	Pensions Act 2008	Introduces automatic enrolment of eligible employees into, and mandatory employer contributions to, qualifying pension schemes. This is expected to be phased in from 2012 over a period of 5 years.
By 2013	Education and Skills Act 2008	Obliges employers in England and Wales to release young people for education or training, and check whether a young person is participating in education or training before employing them.

Key employment rights

Qualifying period	Entitlement
None – employees are eligible for these rights from the first day of employment	Protection from discrimination on the grounds of sex; race; religion or belief; sexual orientation; age; disability; gender reassignment; marriage and civil partnership; and pregnancy and maternity. Protection from unfair dismissal for reasons including pregnancy and maternity, parental, paternity and dependant care leave; undertaking activities aimed at improving health and safety; refusal to work on Sundays; a reason connected with the Working Time Regulations; performance of duties as trustee of occupational pension scheme; performance of functions as employee representative; making a protected disclosure; assertion of statutory rights, including right to national minimum wage and right to certain tax credits; making a flexible working request; jury service; claim for union recognition; trade union, European Works Council or information and consultation procedure reasons; taking part in official industrial action; part-time or fixed-term worker status. 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave. Rights not to suffer detriment while on family-related leave and to return to work following such leave.

Key employment rights, cont'd

Qualifying period	Entitlement
1 month	A written statement of the particulars of employment (to be received no later than two months after starting employment). Right to 5.6 weeks' paid annual leave, daily and weekly rest breaks. Statutory sick pay.
3 months	At least one week's notice of termination of contract. Guarantee payment in case of lack of work. Payment of salary during suspension on medical grounds. Right not to be dismissed for a reason connected with medical suspension.
26 weeks	Option to join stakeholder pension scheme. Right to request flexible working arrangements for employees who are the carers of certain adults, or the parents of children below the age of 17, or disabled children aged under 18.
26 weeks (at notification of being matched with child)	39 weeks' statutory adoption pay. Two weeks' paid paternity leave. 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave.
26 weeks (at 15th week before expected week of childbirth)	39 weeks' statutory maternity pay. Two weeks' paid paternity leave.
1 year	Protection from unfair dismissal for reasons other than those specifically listed above, including unfair dismissal under the Transfer of Undertakings (Protection of Employment) Regulations. 13 weeks' unpaid parental leave in respect of each child, or 18 weeks in the case of a disabled child.
2 years	Redundancy payment. Right to paid time off to look for work where under notice of redundancy.