

Compensation limits

Employment right	Maximum award
Unfair dismissal	
Basic award	£10,500 (a)(b)
Compensatory award	£66,200 (a)(b)
Additional award	£18,200 i.e. 52 weeks' pay
Redundancy pay	£10,500 (a)(c)
Discrimination	No limit
Dismissal for union/employee representative or pension trustee reasons	
Basic award	£10,500 (minimum £4,700) (a)(b)
Compensatory award	£66,200 (a)(b)
Dismissal for health and safety reasons	
Basic award	£10,500 (minimum £4,700) (a)(b)
Compensatory award	No limit
Dismissal for making a protected disclosure	
Basic award	£10,500 (a)(b)
Compensatory award	No limit
Guarantee pay	£107.50 (5 days in any period of 3 months) (£21.50 a day) (a)
Contract claims in a tribunal	£25,000

Limit on week's pay = £350 (where applicable) (a)

(a) The Secretary of State will increase these figures annually in line with the retail prices index

(b) Applies to dismissals where the effective date of termination fell on or after 1 February 2009

(c) Applies to dismissals where the 'relevant date' fell on or after 1 February 2009

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Employment Law Fact Card 2009

A quick guide to key rights and changes

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Employment law changes that came into effect during 2008

New provisions	Legislation
February 2008	
New civil and criminal offence for employing illegal migrants from outside the European Economic Area. Staggered implementation for new points-based immigration system begins.	Immigration, Asylum and Nationality Act 2006
April 2008	
Corporations and some other designated bodies made liable for the new offence of corporate manslaughter if the management of the organisation's activities breaches a duty of care, resulting in death.	Corporate Manslaughter and Corporate Homicide Act 2007
Changes, among other things, to the grounds on which a harassment claim can be brought, and what actions constitute discrimination occurring on maternity leave.	Sex Discrimination Act 1975 (Amendment) Regulations 2008 SI 2008/656
Regulations implementing the principle of equal treatment between men and women in the access to and supply of goods and services which are available to the public.	Sex Discrimination (Amendment of Legislation) Regulations 2008 SI 2008/963
The ICE Regulations, which give employees the right to agree with their employer procedures for informing and consulting on workplace issues, extended to undertakings with 50 or more employees.	Information and Consultation of Employees Regulations 2004 SI 2004/3426
Regulations making a number of changes to the regime for collecting income tax through the PAYE system, including granting HMRC a power to transfer PAYE liability from an employer to an employee. The Regulations also address the employment status issues raised by Demibourne Ltd v HM Revenue and Customs.	Income Tax (Pay as You Earn) (Amendment) Regulations 2008 SI 2008/782
October 2008	
Distinction between ordinary and additional maternity leave removed. Women whose expected week of childbirth began on or after 5 October 2008 have the right to the same non-remuneration terms and conditions during additional maternity leave as those enjoyed during ordinary maternity leave. The same applies to employees who were expected to adopt on or after that date.	Sex Discrimination Act 1975 (Amendment) Regulations 2008 SI 2008/656 and Maternity and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2008 SI 2008/1966

Forthcoming legislation

Date	Legislation	Effect
April 2009	Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 SI 2002/3236	Extends the right to request flexible working to parents of children up to 16 years old.
1 April 2009	Working Time Regulations 1998 SI 1998/1833	Increases statutory minimum paid holiday entitlement from 4.8 to 5.6 weeks (24 to 28 days for those working a five-day week).
6 April 2009	Employment Act 2008	Includes repeal of the statutory dispute resolution procedures and implements a package of replacement measures to encourage early/informal resolution via Acas.
6 April 2009	Employment Act 2008 (Commencement No.1, Transitional Provisions and Savings) Order 2008 SI 2008/3232	Contains transitional provisions governing when the statutory dispute resolution procedures will continue to apply after 6 April 2009.
6 April 2009	Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004 SI 2004/1861	Makes changes to tribunal procedure, including applications for extensions of time for presenting a response, issuing and reviewing default judgments, withdrawal and dismissal of proceedings and steps a debarred respondent can take in the proceedings.
1 August 2009	Working Time Regulations 1998 SI 1998/1833	Weekly working time limit for junior doctors reduced from 56 to 48 hours.
October 2009	Safeguarding Vulnerable Groups Act 2006	Single vetting system for checking the suitability of potential employees to work with children and vulnerable adults will start to be phased in.
2009	Equality Bill	Consolidates and amends existing equality legislation. Proposals include: positive action to allow employers to take under-representation into account when selecting between two equally qualified candidates; outlawing pay secrecy clauses in employment contracts; wider powers for employment tribunals in discrimination claims; a single equality duty on public sector employers.
2009	Temporary Agency Workers Directive	Gives agency workers equal rights from day one of employment, although this is subject to possible derogation. In the UK, the Government, the TUC and the CBI have agreed that agency workers should have the right to equal treatment with their permanent counterparts after 12 weeks.
2009	Working Time Directive	Changes to the Working Time Directive. Final measures are yet to be agreed, including whether to retain the 48-hour maximum working week opt-out.
By April 2010	Work and Families Act 2006	Proposed extension of paid maternity and adoption leave to 12 months, some of which will probably be transferable to the partner.
2012	Pensions Act 2008	Automatic enrolment in a pension scheme and minimum employer contributions.

Employment rights

Qualifying period	Entitlement
Day 1	Protection from unfair dismissal for reasons including pregnancy and maternity, parental, paternity, adoption 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; 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave. Rights not to suffer detriment while on family-related leave and to return to work following such leave. Protection from discrimination on the grounds of sex, race, religion or belief, sexual orientation, disability, age and civil partnership status. A written statement of the particulars of employment (to be received no later than two months after starting employment).
1 month	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.
3 months	Option to join stakeholder pension scheme.
26 weeks (at 15th week before expected week of childbirth)	39 weeks' statutory maternity pay. Two weeks' statutory paternity pay.
26 weeks (at notification of being matched with a child)	39 weeks' statutory adoption pay. Two weeks' statutory paternity pay.
1 year	Protection from unfair dismissal for reasons other than those specifically listed above, including dismissal without following the correct statutory procedure (due to be repealed on 6 April 2009) and unfair dismissal under the Transfer of Undertakings (Protection of Employment) Regulations. Right to request written reasons for dismissal. 13 weeks' unpaid parental leave in respect of each child.
2 years	Redundancy payment. Right to paid time off to look for work where under notice of redundancy.