

# GUIDE

2019

## HR

### EMPLOYMENT

STAYING  
A STEP  
AHEAD



**pdt**  
solicitors

## Our Next Breakfast Briefings

8th October 2019 - Horsham

March 2020 - Horsham

### Employment Tribunal Claims

| Claim   | Maximum Award  |  | Qualifying Period   | Usual Time Limit   |
|---|--|--|---|--|
| Discrimination                                      | Unlimited  |  | None  | 3 months starting from date of act complained of (6 months if concerns equal pay)  |
| Breach of Contract                                  | Up to £25,000  |  | None but employment must have terminated                              | 3 months from conduct complained of  |
| Failure to Inform/Consult                           | Per employee: 90 days' gross pay or 13 weeks' gross pay if failure due to relevant business/ TUPE transfer   |  | None  | 3 months starting with last day in respect of which complaint is made/3 months starting from date of completion of transfer if relevant business/TUPE transfer |
| Unfair Dismissal                                    | <b>BEFORE 6 APRIL 2019</b>   | <b>ON/AFTER 6 APRIL 2019</b>   | Normally 2 years service. In certain cases no minimum period required | 3 months starting from the effective date of termination but a claim can be made during the notice period  |
|   | Basic Award - up to £15,240 AND/OR Compensatory Award - maximum £83,682 or 52 weeks' gross pay if less (in some cases this award is unlimited e.g. whistleblowing) | Basic Award - up to £15,750 AND/OR Compensatory Award - maximum £86,444 or 52 weeks' gross pay if less (in some cases this award is unlimited e.g. whistleblowing) |   |  |
| Statutory Redundancy Pay                            | Up to £15,240  | Up to £15,750  | 2 years   | 6 months from relevant date  |
| Breach of Right to be Accompanied                   | Up to £1,016   | Up to £1,050   | None  | 3 months from date of failure/ threat of failure   |
| Breach of Flexible Working Regulations              | Up to £4,064   | Up to £4,200   | 26 weeks  | 3 months from any procedural breach complained of/date on which the employee is notified of appeal decision  |
| Failure to Provide Written Statement of Particulars | Up to £2,032   | Up to £2,100   | 1 month/ to be provided within 2 months                               | 1 month after a subsequent change or 3 months starting with date on which employment ceased  |

## Court Claims

| Claim   | Maximum Award | Qualifying Period | Usual Time Limit   |
|---|---------------|-------------------|--|
| Equal Pay                                       | Unlimited     | None              | 6 years from breach  |
| Breach of Contract                              | Unlimited     | None              | 6 years from breach  |
| Personal Injury - Negligence/<br>Breach of Duty | Unlimited     | None              | 3 years from date of injury/death<br>or date of knowledge if later |

## Key Statutory Entitlements For Time Off Work

|                       | Maximum Leave Entitlement   | April 2018 - April 2019 Weekly Pay Entitlement   | 7 April 2019 - April 2020 Weekly Pay Entitlement   | Maximum Pay Entitlement   |
|-----------------------|---|--|--|---|
| Sick Leave            | Up to 28 weeks  | £92.05   | £94.25 (from 6 April 2019)   | 28 weeks  |
| Maternity Leave       | Up to 52 weeks  | (1) If no maternity allowance: first 6 weeks' pay at 90% of normal weekly earnings PLUS 33 weeks at weekly wage of £145.18 or 90% of normal weekly earnings, if lower; or<br>(2) if maternity allowance due: 39 weeks at weekly wage of £145.18 or 90% of normal weekly earnings, if lower | Same as pre-7 April 2019 save weekly wage is £148.68   | 39 weeks  |
| Paternity Leave       | Up to 2 weeks   | £145.18 or 90% of normal weekly earnings, if lower   | £148.68 or 90% of normal weekly earnings, if lower   | 2 weeks   |
| Adoption Leave        | Up to 52 weeks  | First 6 weeks' pay at 90% of normal weekly earnings PLUS 33 weeks at weekly wage of £145.18 or 90% of normal weekly earnings, if lower   | Same as pre-7 April 2019 save weekly wage is £148.68   | 39 weeks  |
| Shared Parental Leave | Up to 52 weeks LESS any statutory maternity/adoption leave (of which 2/4 weeks must be taken) taken by mother/adopter | First 6 weeks' pay at 90% of normal weekly earnings PLUS 33 weeks at weekly wage of £145.18 or 90% of normal weekly earnings, if lower   | First 6 weeks' pay at 90% of normal weekly earnings PLUS 33 weeks at weekly wage of £148.68 or 90% of normal weekly earnings, if lower | 39 weeks LESS any statutory maternity pay/maternity allowance/adoption pay received by mother/adopter |

## National Minimum / Living Wage

| Category  | From 1 April 2018 | From 1 April 2019 |
|---|-------------------|-------------------|
| Apprentices - if under 19 or in first year of apprenticeship (otherwise refer to age bands below) | £3.70 per hour    | £3.90 per hour    |
| Age 16 - 17   | £4.20 per hour    | £4.35 per hour    |
| Age 18 - 20   | £5.90 per hour    | £6.15 per hour    |
| Age 21 - 24   | £7.38 per hour    | £7.70 per hour    |
| Age 25 & over (National Living Wage)  | £7.83 per hour    | £8.21 per hour    |
| Accommodation offset limit  | £7 per day        | £7.55 per day     |

## Statutory Redundancy Pay

Maximum award: £15,240 (if pre-6 April 2019)/£15,750 (from 6 April 2019)

Maximum statutory week's pay: £508 (if effective date pre-6 April 2019)/£525 (if effective date on/after 6 April 2019). NOTE: (1) all subject to statutory cap (2) maximum of 20 years' service can be claimed

½ week's pay for each year of employment age 21 & below

1 week's pay for each year of employment age 22 - 40

1½ week's pay for each year of employment age 41 & over

## Statutory Minimum Notice (*Notice from Employer*)

| Length of Service   | Notice Entitlement                        |
|---------------------|---|
| Under 1 month       | None                                      |
| 1 month to 2 years  | 1 week                                    |
| 2 years to 11 years | 1 week for each completed year of service |
| 12 years or more    | 12 weeks                                  |

## Statutory Minimum Notice (*Notice from Employee*)

| Length of Service | Notice Entitlement |
|-------------------|--------------------|
| Under 1 month     | None               |
| 1 month or more   | 1 week             |

## Recent & Forthcoming Changes At A Glance, 2019

| Date                       | Changes   |
|----------------------------|---|
| March 2019                 | <ul style="list-style-type: none"> <li>EU Settlement Scheme (settled and pre-settled status) goes live - applies to EU, EEA and Swiss citizens who want to remain in the UK after 30 June 2021</li> </ul>   |
| April 2019                 | <ul style="list-style-type: none"> <li>Pension auto-enrolment minimum contributions increase: employer contribution 3% / employee contribution 5%</li> <li>Annual increases to employment statutory rates and limits take effect</li> <li>Requirement to provide itemised pay slips to workers/employees</li> </ul>   |
| 2019 - still to come       | <ul style="list-style-type: none"> <li>UK expected to leave the EU on 31 October 2019</li> <li>Senior Managers and Certification Regime (replacing the Approved Persons Regime) comes into force for all FCA-regulated firms from 9 December 2019</li> </ul>  |
| April 2020 - still to come | <ul style="list-style-type: none"> <li>Extension of IR35 (off-payroll working rules) to private sector - making businesses responsible for assessing the employment status of off-payroll workers they engage</li> <li>S.1 Written Statement of Particulars must be provided on/by first day of employment to all workers/employees</li> <li>All termination payments above the £30,000 threshold will be subject to Class 1A NICs</li> <li>Holiday pay: when calculating holiday pay, the annual leave reference period will extend from 12 to 52 weeks</li> <li>Parental Bereavement (Leave and Pay) Act expected to come into effect - entitling parents to 2 weeks leave following loss of a child/expected baby</li> <li>"Swedish derogation" (allowing businesses to avoid pay parity between agency workers and direct employees when certain conditions are met) to be removed</li> </ul> |
| Watch this space           | <ul style="list-style-type: none"> <li>The government's Good Work Plan announced plans to legislate to increase employee rights - however, the specifics and timeframes are as yet unknown</li> </ul>   |



**For any employment or HR query you may  
have please feel free to contact:**

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**the employment team  
on 01403 262333**

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This document was updated September 2019. It may be subject to change  
and is for guidance only. It does not constitute advice.



**“... PLEASSED WITH THE PROMPT AND PRAGMATIC ASSISTANCE RECEIVED ON A VARIETY OF MATTERS”**

- Les Searle Plant Hire & Sales Limited

**“PDT CONTINUE TO PROVIDE HIGH LEVEL SUPPORT TO THE BUSINESS WHICH WE FIND EXTREMELY BENEFICIAL”**

- Spectra Care Group

**“THE BREAKFAST BRIEFINGS ARE INCREDIBLY INSIGHTFUL - THE ABILITY TO LEARN IN A FRIENDLY, INFORMAL SETTING HAS PAID DIVIDENDS”**

- Freeman Brothers



**STAYING A STEP AHEAD**