

# lindsays

## Employment essentials

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The fundamentals of current  
employment law and employee  
entitlements for 2017



## Rest breaks, holidays and working time

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### Paid annual leave

28 days per year

### Rest breaks

- 20 minutes break for every 6 hours worked
- 11 consecutive hours rest in each 24-hour period
- 24 hours uninterrupted rest each week or 48 hours every fortnight
- Maximum average 48 hour work per week (unless employee has signed an opt out)

### Written statements

All employees are entitled to:

- Terms and conditions of employment within 2 months of starting work
- An itemised pay statement
- Written reason for dismissal after 2 years' service (unless pregnant)

## National Minimum Wage and notice periods

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Age	1st April 2017
Apprentice	£3.50
16-17	£4.05
18-20	£5.60
21+	£7.05
National Living Wage 25+	£7.50

### Statutory minimum notice periods

#### Employer must give:

- 1 week's notice after 1 month of continuous employment
- 2 week's notice after 2 years continuous employment
- 1 week's notice for each year of continuous service up to a maximum of 12 weeks' notice

#### Employee must give:

- 1 week's notice after 1 month of continuous service



## Redundancy

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### Three possible reasons for redundancy:

- **“Business redundancy”** – the employer has ceased (or intends to cease) to carry on the business for which the employee was employed
- **“Place of work redundancy”** – the employer has ceased (or intends to cease) to carry on that business in the place where the employee was employed
- **“Employee redundancy”** – the requirements for employees to carry out work of a particular kind have ceased or diminished (or are expected to cease or diminish)

### Factors for employers to consider:

- Fair selection criteria
- Duty to consult
- Suitable alternative employment

### To be eligible to claim a statutory redundancy payment an employee must have been:

- Dismissed on grounds of redundancy
- Continuously employed by the employer for at least 2 years

## Dismissal

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### Potentially fair reasons for dismissal include:

- Capability
- Conduct
- Redundancy
- Statutory breach
- Some other substantial reason  
(e.g. company restructure)

### Service requirements\*

**Unfair dismissal:** 2 years

**Redundancy pay:** 2 years

**Discrimination:** None

**Breach of contract/unlawful  
deduction of wages:** None

*\*The above are some examples of service requirements. This list is not exhaustive and legal advice should be sought in respect of any specific claim.*

## Time limit\*

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**Unfair dismissal:** 3 months from the effective date of termination

**Redundancy pay:** 6 months from the effective date of termination

**Discrimination:** 3 months from alleged act of discrimination

**Breach of contract/unlawful deduction of wages:** 3 months from breach or deduction

The time limit to respond to an employment tribunal claim is 28 days from the date of issue.

*\*The above are some examples of time limits. This list is not exhaustive and legal advice should be sought in respect of any specific claim.*

## Compensation limits (from 6 April 2017)

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### **Unfair dismissal:**

Basic award - £14,670

Compensatory award - £80,541

**Redundancy pay:** £14,670

**Discrimination:** No limit

### **Breach of contract/unlawful deduction of wages:**

Tribunal - £25,000

Court - no limit

**One week's pay\*:** £489

*\*For the purposes of calculating redundancy payments*

## Family friendly policies

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### Maternity leave

**Qualifying service:** None

**Duration:** Up to one year

**Ordinary maternity leave:** 26 weeks

**Additional maternity leave:** 26 weeks

**Keeping in touch:** Up to 10 days of paid work during maternity leave without loss of maternity rights.

### Maternity pay

**Qualifying service:** 6 months

**Duration:** 39 weeks

**Rate:** First 6 weeks, 90% of average weekly earnings. Remaining 33 weeks, £140.98 or 90% of average weekly earnings, whichever is less.



## Family friendly policies

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### Maternity allowance

Payable by the Benefits Agency to women who do not qualify for statutory maternity pay

**Rate** - £140.98 or 90% of average weekly earnings, whichever is less.

### Paternity leave and pay

**Qualifying service:** 6 months

**Duration:** 2 weeks

**Rate of pay:** £140.98 per week or 90% of average weekly earnings, whichever is less.

### Shared parental leave

**Qualifying service:** 6 months

**Duration:** Up to 1 year

**Rate of pay:** £140.98 or 90% of the average weekly earnings, whichever is less.

## Family friendly policies

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### Adoption leave

**Qualifying service:** 6 months

**Duration:** Up to 1 year

### Adoption pay

**Qualifying service:** 6 months

**Duration:** 39 weeks

**Rate:** £140.98 per week or 90% of average weekly earnings, whichever is less.

### Parental leave

**Qualifying service:** 1 year

**Duration:** Up to 18 weeks unpaid leave can be taken up to the child's 18th birthday.

No more than 4 weeks can be taken in any 1 year in respect of an individual child, unless agreed otherwise.



## Meet the team

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## Meet the team

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## Meet the team

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## Meet the team

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### How can you find out more?

[www.lindsays.co.uk/services/for-business/prism](http://www.lindsays.co.uk/services/for-business/prism)

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*This information is provided for general guidance only and is accurate as at 2nd April 2017. Rules may vary in specific circumstances and you should seek legal advice as required.*