

lindsays

Employment essentials

The fundamentals of current employment law and employee entitlements for 2024



Rest breaks, holidays and working time

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 hours work per week (unless employee has signed an opt out)

Written statements

All employees and workers are entitled to:

- Statement of terms and conditions of employment on or before the first day of work
- An itemised pay statement
- Written reason for dismissal after 2 years' service (no service requirement if pregnant)

National Minimum Wage and notice periods

Age (years)	1 April 2024
Apprentice	£6.40
16-17	£6.40
18-20	£8.60
National Living Wage 21+	£11.44

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

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

Employment tribunal claims

Potentially fair reasons for dismissal include:

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

Service requirements for claims

Unfair dismissal: 2 years*

Redundancy pay: 2 years

Discrimination: None

Breach of contract/unlawful deduction of wages: None

**No time limit applies for certain automatically unfair dismissals and legal advice should be sought in respect of any specific claim.*



Time limit for claims*

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 in the Employment Tribunal. This list is not exhaustive and legal advice should be sought in respect of any specific claim.*

Compensation limits (from 6 April 2024)

Unfair dismissal:

Basic award - £21,000

Compensatory award - £115,115 or 52 weeks' pay (whichever is lower)

Redundancy pay: £21,000

Discrimination: No limit

Breach of contract/unlawful deduction of wages:

Tribunal - £25,000

Court - no limit

One week's pay*: £700

**For the purposes of calculating redundancy payments.*

Statutory Sick Pay (SSP)

Eligibility

Qualifying service: None

Qualifying absence: 4 consecutive days or more

Period: 28 weeks

Rate: £116.75 per week (from 7 April 2024)

An employee must earn at least the current lower earnings limit as set by HMRC.

Proof of illness (a "Fit Note") should be provided after 7 days absence.

Payment

SSP is not paid for the first 3 days of absence, unless it has been paid within the last 8 weeks. These are known as "waiting days".

Notification

Sickness absence should be reported within time limits set by an employer (or within 7 days if none is set).

Annual Leave

Statutory annual leave is accrued while the employee is off work sick.

Parental Bereavement Leave and Pay

Eligibility

Applies on the death of a child under 18, including a stillbirth after 24 weeks of pregnancy

Qualifying service: None for leave, 6 months for pay

Entitlement: One or two weeks which can be taken together or separately within 56 weeks of the death or stillbirth of a child

Pay: £184.03* or 90% of the average weekly earnings whichever is less

**As at 7 April 2024*



Family friendly policies

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 leave rights

Maternity pay

Qualifying service: 26 weeks*

Duration: 39 weeks

Rate: First 6 weeks, 90% of average weekly earnings. Remaining 33 weeks, £184.03** or 90% of average weekly earnings, whichever is less

Maternity allowance

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

Rate: £184.03** or 90% of average weekly earnings, whichever is less

Paternity leave and pay

Qualifying service: 26 weeks*

Duration: 2 weeks – can be taken non- consecutively from 6th of April onwards

Rate of pay: £184.03** per week or 90% of average weekly earnings, whichever is less

Shared parental leave and pay

Qualifying service: 26 weeks*

Duration: Up to 1 year

Rate of pay: £184.03** or 90% of the average weekly earnings, whichever is less, for up to 39 weeks

Adoption leave

Qualifying service: None

Duration: Up to 1 year

Adoption pay

Qualifying service: 26 weeks ending with the week of notification of having been matched with the child

Duration: 39 weeks

Rate: First 6 weeks, 90% of average weekly earnings. Remaining 33 weeks, £184.03** 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

Carer's Leave

Eligibility: Applies to employees who have a dependant with a long-term care need.

Qualifying Service: Nil

Entitlement: One week's unpaid leave (pro-rated for part-time staff) to provide or arrange care in each rolling 12-month period

*With the exception of adoption pay, qualifying service applies as at the qualifying week, which is the 15th week before the expected week of childbirth.

**As at 7 April 2024



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Prism benefits

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- Online access to a comprehensive range of legally compliant employment documents
- Regular employment law updates by email
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- Attendance management
- Recruitment
- TUPE

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How can you find out more?

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