

07

Essential Benefits

Working Time Regulations***

Paid Annual Leave	4 weeks per annum to 4.6 weeks per annum from 1 October (includes Bank Holidays)
Rest Breaks	20 minutes if shift longer than 6 hours
Daily Rest	11 hours between daily shifts
Weekly rest	24 hours per week/ 48 hours per 2 weeks
Weekly working time limits	48 hours average
Night working time limits	8 hours average.
Statutory Sick Pay	
Rate	£72.25 per week
Qualifying conditions	Earnings over NI Insurance threshold 3 waiting days unless linked absence

08

National Minimum Wage

Adult rate	£5.35 per hour (if 22 or over) (£5.52 in Oct)
Development rate	£4.45 per hour (if 18 to 21) (£4.60 in Oct)
Youth rate	£3.30 per hour (16 & 17) (£3.40 in Oct)
Redundancy Payment	
Maximum weekly pay	£310 per week
Years worked aged 18 – 21	0.5 week's pay per full year worked
Years worked aged 21 – 41	1 week's pay per full year worked
Years worked aged over 41	1.5 week's pay per full year worked
Maximum number of years	20
Written Statements	
Set out terms and conditions starting	All employees within 2 months of starting
Itemised pay statement	No qualifying service
Written reasons for dismissal	1 year qualifying period (unless pregnant)

09

Miscellaneous Individual Rights

Minimum notice	1 week for every full year worked (max 12)
Time off for public duties	Unpaid for such offices as JP or councillor
Time off for Union duties	Paid amount of reasonable time off
Time off for safety reps	Paid time off for training etc
Time off in redundancy notice	Paid time for training or job hunting (2yrs)
Guarantee payments	£19.60 per day first 5 days of lay off
Key Dates for Employment Changes	
	6 April
	1 October
Bank Holidays 2007 England and Wales	
New Year's Day	1 Jan
Good Friday	6 Apr
Easter Monday	9 Apr
Early May Bank Holiday	7 May
Spring Bank Holiday	28 May
Summer Bank Holiday	27 Aug
Christmas Day	25 Dec
Boxing Day	26 Dec

10

* There are exceptions to the rule. For example dismissal for asserting a statutory right.

** The Employment Act 2002 (Dispute Resolution) Regulations 2004 provide that the time limits will automatically extend for a further period of three months where a grievance has been presented or the disciplinary procedure is continuing.

*** There are greater restrictions imposed on employing younger workers aged under 18.

This publication does not constitute legal advice and is no substitute for taking advice before reaching a decision about your own particular situation. If you would like any further information about any of the facts given in this publication please contact the Halliwells Employment Department on 0870 365 8000

Ref: Halliwells 0475/0307

Haliwells LLP is a limited liability partnership registered in England and Wales under registered number OC307960 whose registered office is at St James's Court Brown Street Manchester M2 2JF

A list of members is available for inspection at the registered office. Any reference to a partner in relation to Halliwells LLP means a member of Halliwells LLP. Regulated by the Law Society

For further information regarding any employment matters please contact:
Tel: 0870 365 8000

Haliwells

Haliwells LLP Tel: +44 (0)870 365 8000
St James's Court Brown Street Manchester M2 2JF
Fax: +44 (0)870 365 8001 **DX** 14317 Manchester 1
1 Threadneedle Street London EC2R 8AY
Fax: +44 (0)870 365 8002 **DX** 98933 Cheapside 2
City Plaza Pinfold Street Sheffield S1 2GU
Fax: +44 (0)870 365 8003 **DX** 10525 Sheffield
The Plaza 100 Old Hall Street Liverpool L3 9TD
Fax: +44 (0)870 365 8004 **DX** 14126 Liverpool 1
info@haliwells.com www.haliwells.com

For further information regarding e=quality please contact:
Tel: 0870 365 9292
www.e-qualityonline.com

hrclub
a forum for HR professionals

e=quality
The online solution to workplace behaviour



01

Qualifying period of Service	
Unfair Dismissal	1 year*
Redundancy	2 years
Discrimination	None
Breach of Contract	None
Equal Pay	None
Compensation Limits	
Unfair Dismissal	Basic Award £9,300 Compensatory award £60,600
Week's pay	£310
Redundancy	£9,300
Discrimination	No Limit
Breach of Contract	Tribunal - £25,000 Court – no limit.
Time limits	
Unfair Dismissal	3 months from EDT**
Redundancy	6 months from EDT**
Discrimination	3 months from last act of discrimination**
Breach of Contract	Tribunal – 3 months from EDT Court – 6 years from breach
Equal Pay	6 months from EDT**

02

Family Friendly Policies	
Maternity Leave	
Qualifying service	None
Entitlement	1 years leave
Maternity Pay	
Qualifying service	6 months as at 15th week before EWC
Period	39 weeks
Rate	6 weeks at 90% of wages followed by 33 weeks at £112.75
Adoption Leave	
Qualifying service	6 months as at week of being "matched"
Period	1 years leave
Adoption Pay	
Qualifying service	6 months as at week of being "matched"
Period	39 weeks
Rate	£112.75

03

Paternity Leave	
Qualifying service	6 months as at 15th week before EWC or "matched" week
Entitlement	1 or 2 weeks paid leave
Rate	£112.75
Time off for Dependents	
Qualifying service	None
Entitlement	Unpaid time off in an emergency to care for dependent
Parental Leave	
Qualifying service	1 Year
Other conditions	Parental responsibility for a child
Entitlement	Up to 13 weeks unpaid leave to care for a child who is under 5 years of age, or has been adopted within the last 5 years or is disabled and under 18 years of age.

04

Fall Back Scheme	21 days notice of leave to be given. Leave to be taken in 1 week blocks (unless the child is disabled). Maximum of 4-weeks leave per year. Employer has limited right to postpone.
Flexible Working Requests	
Qualifying service	6 months
Qualifying conditions	Responsibility for caring for a child or an adult who needs care and is the spouse, partner, relative or other person living at the same address as the employee.
Entitlement	The right to apply to vary hours of work; time of work or location of work to enable the care to be provided. The employer may refuse only on specific business grounds.
Procedural time limit	Meeting – 28-days. Decision – 14 days Appeal request – 14 days Appeal meeting – 14 days Final decision – 14 days
Penalty	8 weeks pay at £310

05

Fair Retirement	
Notice	Intended retirement date should be the normal retirement age or on/after age 65 unless earlier age is justified.
Timing of notice	Must be given between 6 and 12 months before intended retirement date.
Request to continue work	Employee must be informed in writing of their right to make a request to work beyond retirement age.
Duty to consider	If the request is not accepted a meeting should be arranged with the employee to hear any representations. May confirm retirement, substitute a new retirement date or delay indefinitely.

Criminal Records – Rehabilitation Periods		
Sentence	Convicted at 18 or over	Under 18 or when convicted
Prison sentence of 6 months or less	7 years	3.5 years
Prison sentence between 6 months and 2.5 years	10 years	5 years
Borstal	7 years	7 years
Detention centre	3 years	3 years
Absolute discharge	6 months	6 months
Fines, compensation, probation, community service, combination, action plan, curfew, drug treatment and testing and reparation orders	5 years	2.5 years