

Essential Benefits

Working Time Regulations***

Paid Annual Leave	April 08 - April 09 – 24 Days April 09 - April 10 – 28 Days
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 over a 17 week reference period
Night working time limits	8 hours average.

Statutory Sick Pay

Rate	£75.40 per week#
Qualifying conditions	No qualifying service apart from starting Earnings over NI Insurance threshold 3 waiting days unless linked absence

National Minimum Wage

Adult rate (22 years +)	£5.52 per hour (£5.73 from 1 October)
Development rate (18-21 years)	£4.60 per hour (£4.77 from 1 October)
Youth rate (16-17 years)	£3.40 per hour (£3.53 from 1 October)

Redundancy Payment

Maximum weekly pay	£330 per week
Years worked under 22 years of age	0.5 week's pay per full year worked
Years worked aged 22 – 40	1 week's pay per full year worked
Years worked aged 41 and over	1.5 week's pay per full year worked

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)

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
Guarantee payments	£20.40 per day first 5 days of lay off
Key Dates for Employment Changes	6 April 1 October

Bank Holidays 2008 England and Wales

New Year's Day	1 Jan
Good Friday	21 Mar
Easter Monday	24 Mar
Early May Bank Holiday	5 May
Spring Bank Holiday	26 May
Summer Bank Holiday	25 Aug
Christmas Day	25 Dec
Boxing Day	26 Dec

*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

Rate from April 2008

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 0844 875 8000

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For further information regarding any employment matters please contact:
Tel: 0844 875 8000

Haliwells

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A list of members is available for inspection at the registered office. Any reference to a partner in relation to Haliwells LLP means a member of Haliwells LLP. Regulated by the Solicitors Regulation Authority

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Employment Facts

A summary of the law from 01 April 2008

Haliwells

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 £9,900 Compensatory award £63,000
Week's pay	£330
Redundancy	£9,900
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**

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Family Friendly Policies

Time off for antenatal care

Entitlement	Paid time off to attend appointments
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Maternity Leave

Entitlement	1 years leave
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Maternity Pay

Qualifying service	6 months
Period	39 weeks
Rate	6 weeks at 90% of wages followed by 33 weeks at £117.18#

Adoption Leave

Qualifying service	6 months
Period	1 years leave

Adoption Pay

Period	39 weeks
Rate	£117.18#

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Parental Leave

Qualifying service	1 Year
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.

Fall Back Scheme

Leave to be taken in 1 week blocks (Exception if child disabled) 21 days notice to be given Leave limited to 4 weeks per annum Employer may postpone for up to 6 months Except where business not disrupted or Leave being taken at birth/adoption.

Paternity Leave

Qualifying service	1 or 2 weeks paid leave at the time of birth or within 8 weeks, Adopting couple may opt who will get paternity leave and the other will get adoption leave
Rate	£117.18 or 90% of wages if less#

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Time off for Dependents

Qualifying service	None
Entitlement	Reasonable time off in emergency Limited to care of “dependants”.

Flexible Working Requests

Qualifying service	26 weeks service and caring for child under 6 (18 if disabled) or adult who is either their spouse; partner; civil partner; relative or living at the same address as the employee.
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Entitlement	The application may relate to hours of work, times of work or the location of work to enable the employee to provide better care
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Flexible Working Requests

Procedural time limit	Meeting – 28-days. Decision – 14 days Appeal request – 14 days
Penalty	Extensions to time limits may be agreed between the employee and employer 8 weeks pay capped at £330 The request can be refused on specified business grounds e.g. the cost.

Recruitment Checks

Immigration/work permits	Asylum and Immigration Act 1996 Illegal working £10,000 fine
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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