

Compensation limits

The limits applicable to certain Employment Tribunal awards and other amounts payable under employment legislation are to be increased from 1 February 2008. These are set out in the table below along with the old limits for comparison.

EMPLOYMENT RIGHT	MAXIMUM REWARD	
	OLD AMOUNT	NEW AMOUNT
Unfair Dismissal		
Basic Award	£9,300	£9,900 (a)(b)
Compensatory Award	£60,600	£63,000 (a)(b)
Additional Award (unreasonable failure to reinstate)	£8,060 - £16,120	£8,580 - £17,060 i.e. 26-52 weeks' capped pay
Redundancy Pay		
Limit on week's pay for calculation purposes (where applicable)	£9,300	£9,900 (a)(c)
Discrimination Race, sex, disability, sexual orientation, religion or belief or age	No limit	No limit
Breach of Contract claim/wrongful dismissal (employment tribunal claims)		
Basic Award	£25,000	£25,000
Dismissal for union/employee representative or pension trustee reasons		
Basic Award	£9,300 (min £4,200)	£9,900 (min £4,400)
Health and safety reasons		
Basic Award	£9,300 (min £4,200)	£9,900 (min £4,400)
Compensatory Award	No limit	No limit
Dismissal for "whistle blowing" (protected disclosure)		
Compensatory Award	No limit	No limit

(a) The Secretary of State will increase these figures annually in line with the retail prices index

(b) Applies to dismissals where the effective date of termination falls on or after 1 February 2008

(c) Applies to dismissals where the "appropriate date" falls on or after 1 February 2008

Other facts

NATIONAL MINIMUM WAGE <i>Applicable rates from 1 Oct 2007 to Sept 2008</i>	
AGE	AMOUNT
16 – 17*	£3.40 per hour
18 – 21	£4.60 per hour
22+	£5.52 per hour

*Young Workers rate

GUARANTEE PAY	OLD AMOUNT	NEW AMOUNT†
Limit on amount of guarantee payment payable to an employee in respect of any day.	£98.00 (5 days in any period of 3 mths) (£19.60 a day)	£102.00 (5 days in any period of 3 mths) (£20.40 a day)

†Applies where the date of lay off falls on or after 1 February 2008

FAMILY FRIENDLY PAY RATES	CURRENT AMOUNT*	PROPOSED AMOUNT**
Statutory Maternity Pay – standard rate	£112.75 per week	£117.18 per week
Statutory Paternity Pay – standard rate	£112.75 per week	£117.18 per week
Statutory Adoption Pay – standard rate	£112.75 per week	£117.18 per week

SICK PAY RATES	CURRENT AMOUNT*	PROPOSED AMOUNT**
Statutory Sick Pay – standard rate	£72.55 per week	£75.40 per week

*Up to 5 April 2008

**From 6 April 2008 (Provisional rates – subject to parliamentary approval at time of print)

Howes Percival LLP employment team

Our employment law specialists provide comprehensive, practical and commercial legal advice in all areas of employment law and HR related work and representation at Employment Tribunals. For more information or advice, please contact:-

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If you would like details of our 2008 seminars please contact **Katie Davis-Lyons** on 01908 247265.



Employment Law Facts and Figures 2008

Accrual of employment rights

QUALIFYING PERIOD	PROTECTION
Day 1	<ul style="list-style-type: none"> Protection against UNFAIR DISMISSAL for various reasons including: <ul style="list-style-type: none"> - Maternity, parental and paternity leave; - Undertaking activities aimed at improving health and safety; - Refusal to work on Sundays; - Assertion of rights under Working Time Regulations; - Performance of duties as trustee of occupational pension scheme; - Performance of functions as employee representative; - Making a protected disclosure; - Assertion of statutory rights, including right to National Minimum Wage and right to certain tax credits; - Claim for union recognition; - Trade union reason; - Part-time worker status. 52 weeks maternity leave for female employees regardless of their length of service (if the expected week of childbirth is on or after 1 April 2007) Protection against DISCRIMINATION on grounds of: <ul style="list-style-type: none"> - Sex - Race - Religion or belief - Sexual orientation - Disability - Age A written statement of particulars of employment (to be received no later than 2 months after starting employment)
1 month	<ul style="list-style-type: none"> At least one week's notice of termination of contract Guarantee payment in case of lack of work Payment of salary during suspension on medical grounds Right not to be dismissed on medical grounds
3 month	<ul style="list-style-type: none"> Option to join stakeholder pension scheme
26 weeks	<ul style="list-style-type: none"> Two weeks' paid (statutory) paternity leave An entitlement of up to 52 weeks ordinary and additional adoption leave 39 weeks' statutory maternity/adoption pay (if the expected week of childbirth/adoption is on or after 1 April 2007)
1 year	<ul style="list-style-type: none"> Protection from unfair dismissal for reasons other than those specifically listed in the relevant pieces of legislation, including dismissal without following the correct statutory procedure.