

HAROLD BENJAMIN

POCKET GUIDE

Employment



Did you know?

Employees accrue holiday entitlement when they are on sick leave and maternity leave.

There is no legally set retirement age. Before an employee can bring a claim in the Employment Tribunal they must first try to settle the claim through the ACAS Early Conciliation process.

Full time employees are entitled to 5.6 weeks paid holiday (28 days) but this can include the normal 8 days bank holidays.

Employees are entitled to minimum worked periods of 1 week for every full year worked up to a maximum of 12 weeks' notice for 12 years or more employment.

Any employee who has worked for an employer for 26 weeks or more can ask for flexible working arrangements.

Employment advice

Marina Vincent can advise on all aspects of employment law, from the start of the employment relationship regarding recruitment, employment contracts and policies, then through the employment relationship advising on matters such as restructuring, varying contracts, redundancies, managing sick leave and disciplinary and grievance procedures.

In the event the employment relationship ends in dispute, she provides advice and representation through all stages of Employment Tribunal or High Court or County Court claims.

She takes a commercial view and advises settlement where appropriate while also robustly defending her clients at the right time. She advises both employers and employees regarding Settlement Agreements used to terminate employment by agreement and to settle disputes.



Marina Vincent

020 8872 3052

marina.vincent@haroldbenjamin.com

Useful websites

www.acas.org.uk

www.gov.uk/employ-someone www.gov.uk/check-job-applicant-right-to-work

London office:

020 7224 0888

Harrow office:

020 8422 5678

Facts & figures

Some employment claims have prescribed limits on the amounts an employee can claim. These limits are revised on 6 April every year.

If an employee claims unfair dismissal, there are two awards they can claim – the Basic Award and the Compensatory Award. The Basic Award is a set amount based on the employee's age and period of employment, and for the year from 6 April 2022 this will be capped at £571 per week and a maximum total of £17,130. The Compensatory Award, which compensates for loss of earnings after termination of employment, is also capped at the lesser of one year's gross pay or £93,878.

Statutory Redundancy Pay for the year from 6 April 2022 is calculated in the same way as the Basic Award and again capped at £17,130.

Claims of discrimination or claims arising from whistleblowing are not capped and can be substantial.

Breach of contract claims in the Employment Tribunal are limited to £25,000.

You must check that a job applicant has the right to work in the UK before you employ them and keep records to show the right to work.

Qualifying Periods and Time Limits

Complaint	Qualifying Period	Time Limit
Discrimination	None	3 months from the date of the act complained of
Written Reasons for Dismissal	2 years	3 months starting from EDT*
Unfair Dismissal	2 years	3 months starting from EDT*
Automatically Unfair Dismissal e.g. Pregnancy, Health and Safety, Whistle Blowing	None	3 months starting from EDT*
Statutory Redundancy Payment	2 years	6 months from relevant date
Written Particulars of Employment	1 month	3 months from the date employment ceased
Contract Claim	None	3 months from EDT* in the Employment Tribunal (6 years from breach in the High or County Court)

**Effective Date of Termination*

Fees

Fee Type	Issue	Hearing
Type A Claim	£160	£230
Type B Claim (most claims)	£250	£950

FAQ's

My employee had a car accident and now has a problem with his leg. He has a limp and some pain and struggles with stairs. He has asked me to make reasonable adjustments. What do I have to do?

If an employees' condition is long term (symptoms for 12 months or more) and has a substantial effect on his ability to carry out day to day activities, then he is probably disabled as defined by the Equality Act. This means the employer is obliged to make reasonable adjustments to the employees working environment. In this case, it might be moving the employee to an office on the ground floor, so that he does not have to use the stairs or removing duties from him that might require him to walk distances which might cause him problems. This is a positive obligation on the employer, therefore if the employer cannot make adjustments, they have to be in a position to show they have considered the circumstances and justify why they cannot make the adjustments.

I dismissed an Employee last week because they were not performing well enough. Can they claim they have been unfairly dismissed?

This will depend on the length of employment. They must have worked two full years before they can claim unfair dismissal. If an employee has more than two years employment, in order to fairly dismiss them, an employer would have to take them through a performance review process and only dismiss them if they fail to improve sufficiently. If Employers fail to follow a fair dismissal procedure, an Employment Tribunal can increase Compensatory Awards by up to 25%.

My full-time employee has asked for flexible working and wants to work a four-day week. Do I have to agree?

Every employee who has worked for their employer for 26 weeks has the right to ask for flexible working arrangements. This could be working less or different hours or days, working from a different place or some other change in their arrangements. An employer can ask for the request to be in writing, and then they have up to three months to consider the request. If the request is agreed, this is a change in the employees' terms and conditions, and they cannot make another request for at least twelve months. If the employer cannot agree the request, they must give one or more prescribed business reasons for their refusal.

HAROLD BENJAMIN

Harold Benjamin Solicitors
Hygeia Building
66-68 College Road
Harrow, HA1 1BE
T: 020 8422 5678

60 Queen Anne Street
London W1G 8HP
T: 020 7224 0888

enquiries@haroldbenjamin.com
www.haroldbenjamin.com

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@hb_solicitors



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