



Employment

Law

FAQ

How long does an Employee have to be employed before they are protected against being unfairly dismissed?

An employee must have two years continuous service and only an eligible employee can claim unfair dismissal; workers do not have the same protection.

The 2 year service requirement can be waived where your potential claim is connected to Discrimination, whistleblowing or for asserting a statutory right.

How long is it before an employee is entitled to claim redundancy pay?

An employee can claim redundancy pay after 2 years' continuous service.

Only an employee is entitled to a redundancy payment; a worker does not have the same right.

When does a redundancy situation occur?

A redundancy situation occurs if there is a workplace closure, business closure, or a diminished need for employees to do a certain type of work.

What is the minimum holiday entitlement for employees?

The minimum right to paid holiday is 5.6 weeks paid annual leave (28 days for someone working five days a week) and part-time workers are entitled to the same level of holiday on a pro-rata basis.

Bank and Public holiday can be included in the minimum holiday entitlement

What is the minimum wage now?

The current rates from 1st April 2018 are:

Living Wage (over 25s)	£7.83
21-24	£7.38
18-20	£5.90
16-17	£4.20
Apprenticeship rate	£3.70

Workers who are of compulsory school age are not entitled to the National Minimum Wage.

How much notice should an employee give to his/her employer?

Where an employee has worked for the employer for one month or more, the legal minimum amount of notice he / she must give to leave employment is one week.

However, an employee's contract of employment may set out a longer notice period in which case the employee must abide by the terms of his/her contract.

How much notice is an employee entitled to receive?

The statutory minimum period of notice an employee is entitled to depends on his / her length of service for the employer. The statutory notice period is one week if the employee has been continuously employed for between one month and two years; and it is worked out after this on the rate of one week for each complete year up to a maximum of 12. However, please be aware that a contract of employment has the ability to vary this if not less than the statutory period.

How much time do I have to lodge a claim with the Employment Tribunal?

There is a strict 3 month time limit to pursue claims in the Employment Tribunal, or 6 months in redundancy matters, which is measured from the date of the cause of action upon which you complain e.g. from the date of dismissal.

Please note that prior to lodging your claim you must now first attempt to conciliate through the ACAS Early Conciliation Scheme.

What is ACAS Early Conciliation?

The purpose of Conciliation is to try and reach a settlement between the parties and avoid Employment Tribunal proceedings.

If settlement is not reached you will be issued with an ACAS Certificate containing a Unique Reference Number and it is only at this point can you lodge an Employment Tribunal Claim.

What if I run out of time to pursue my claim because of ACAS Early Conciliation?

When you contact ACAS the 3 month time limit clock will pause and will begin again once the ACAS Certificate has been issued.

The days spent in Conciliation are then added on to the initial time limit. Where the time limit has passed or there is less than a month left then a full month of time will be allowed to enable you to lodge your claim.

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