

Commercial Property
Company Commercial
Construction
& Development
Dispute Resolution
& Litigation
Employment
Personal Injury
Private Client Services

Your pocket guide to
Employment Law



**Geoffrey
Leaver**
Solicitors



"Resolving workplace issues.
That's what we do."

STUART SNELSON

Partner | Employment

ssnelson@geoffreyleaver.com

01908 689318

PAULA STUART

Partner | Employment

pstuart@geoffreyleaver.com

01908 689345

Unfair dismissal

Employees who have been employed for 2 years or more have the right not to be unfairly dismissed.

In order for a dismissal to be fair the employer must have a fair reason and follow a fair process.

A potentially fair reason is:

- Misconduct;
- Capability;
- Redundancy;
- Illegality;
- 'Some other substantial reason'.

An employer must have acted reasonably and follow a fair procedure, at least equivalent to the ACAS code.

An employee is entitled to be given notice as specified in the contract of employment or the statutory minimum notice if greater (unless gross misconduct justifies immediate dismissal).

Before commencing a claim at the Employment Tribunal an employee must submit an Early Conciliation notification form to ACAS and then ACAS will commence a 6 week conciliation period.

If the parties do not reach an agreement the employee may commence claim at the Employment Tribunal.

Some dismissals are automatically unfair and do not need 2 years qualifying service. We recommend you seek legal advice before dismissing an employee.

Wrongful dismissal

This is when an employee is dismissed without proper notice or payment in lieu.

There is no qualifying period and the employee may bring a claim in the Employment Tribunal or County Court.

Statutory notice periods

Period employed	Minimum notice
Less than 1 month	None
1 month to 2 years	1 week
2 years to 12 years	1 week per complete year of employment
Over 12 years	12 weeks

Rights for Working Parents & Carers

There are a number of rights and leave available for working parents, which include:

- Right to time off for antenatal appointments
- Time off for dependents to deal with an emergency
- Protection against unfair treatment, discrimination or dismissal

Family Leave	
Maternity Leave	52 weeks
Adoption Leave	52 weeks
Statutory Paternity Leave	2 weeks
Additional Statutory Paternity Leave	2 - 26 weeks
Shared Parental Leave	Up to 50 weeks shared between parents
Parental Leave	Parents of a child are entitled to take up 18 weeks of unpaid leave to care for that child up to age of 18 - limited to 4 weeks per child per year

All leave is subject to qualification and notice requirements

Discrimination

Discrimination is unlawful in respect of the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

A worker has the right not to be treated less favourably because of a protected characteristic.

A worker is also protected against indirect discrimination. This is when an employer has a provision, criterion or practice (PCP) that applies to everyone but disadvantages people who share a protected characteristic.

A worker has the right not to be subjected to harassment which is 'unwanted conduct related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating intimidating, hostile, degrading, humiliating or offensive environment'.

Employers have a duty to make reasonable adjustments to ensure disabled workers are not placed at a substantial disadvantage in the workplace.

call us now on
01908 692769
or visit
geoffreyleaver.com

Redundancy

Employees are redundant if dismissed because the employer is:

- ceasing or intending to cease carrying on the business in which the employee was employed;
- ceasing or intending to cease carrying on the business in the place where the employee was employed;
- the requirements of the business for employees to carry out work of a particular kind has ceased or diminished.

An employer must follow a fair procedure and consult with employees before making redundant.

Employees who have been employed for 2 years or more are entitled to statutory redundancy pay.

There are special rules for 'collective redundancies' when an employer is making 20 or more employees redundant.

National Minimum Wage (NMW) & National Living Wage (NLW)

Workers are entitled to a minimum pay per hour subject to their age and if they are an apprentice.

The current rates are:

Year	NLW 23 & over	21-22	18-20	Under 18	Apprentice*
April 2022	£9.50	£9.18	£6.83	£4.81	£4.81
April 2023	£10.42	£10.18	£7.49	£5.28	£5.28

*This rate is for apprentices aged under 19 or those aged 19 or over in their first year. All other apprentices are entitled to NMW for their age.

Statutory Payments - as from 6 April 2023

Payment Type	Current Rate	Period of Payment
Statutory Sick Pay (SSP)	£109.40pw	28 weeks
Statutory Maternity Pay (SMP) and Statutory Adoption Pay (ADP)	*First 6 wks at 90% average weekly earnings (AWE) *Remaining 33 weeks at £172.48 or 90% AWE whichever is lower	39 weeks
Statutory Paternity Pay (SPP)	£172.48 or 90% AWE whichever is lower	2 weeks

All statutory payments are subject to qualification and reporting requirements.

If you need clear and practical employment law advice then contact our Employment Team now.



STUART SNELSON

Partner | Employment
ssnelson@geoffreyleaver.com
01908 689318



PAULA STUART

Partner | Employment
pstuart@geoffreyleaver.com
01908 689345

GEOFFREY LEAVER SOLICITORS LLP

251 Upper Third Street
Bouverie Square
Central Milton Keynes
MK9 1DR

01908 692769
geoffreyleaver.com

The law is stated as at 6 April 2023. The information in this Guide is for general purposes only and does not constitute legal advice. Appropriate advice should be sought about your specific circumstances before any action is taken.