

## Labour/employment law data for UK England & Wales\*

<b>1.</b>	<b>Is it a legal requirement that employees must receive an employment contract?</b>	No automatic right to receive a written contract of employment. A verbal agreement is sufficient. However, an employee is entitled to a written statement of employment particulars (under the Employment Rights Act 1996) - must be provided no later than two months after the beginning of the employment. Statement must refer to various matters, including pay, hours of work, notice period, grievance procedures etc. Any changes to an existing employment contract must be notified in writing within one month.
<b>2.</b>	<b>What factors constitute a fair dismissal i.e. legally justifiable reasons to terminate employment without the need to pay compensation?</b>	Employee must have been dismissed either by expiry of fixed term contract, mutual resignation or contract terminated by employer. An employee may also resign claiming breach of contract by the employer. Such employer breaches may give rise to compensation. Employer must show that dismissal is for one of five permitted reasons and that they acted reasonably: Capability (e.g. lack of qualifications; inability to perform the job, including illness or injury); conduct of the employee; redundancy; illegality (e.g. driver disqualified from driving); or some other substantial reason.
<b>3.</b>	<b>What is good practice with regard to dismissal procedures to minimise the risk of claims for unfair dismissal?</b>	Employer must show that he has acted 'reasonably' - this varies according to the reason for the dismissal e.g. in the case of capability and qualification, was training offered?; were warnings provided to improve standards? If the reason was 'conduct' - the ACAS (government agency) Code of Practice should be followed which requires oral/written warnings followed by a final written warning. (For gross misconduct employees may be dismissed without warning but procedures should still be followed).
<b>4.</b>	<b>If an employee is dismissed unfairly what is the financial range of compensation that can be made to employees?</b>	Two types of award by Employment Tribunal- basic award and compensatory award. Basic award ranges from 1½ to ½ weeks pay for each year's service (varying with the overall length of service) - maximum of 20 years service and £380 per week. Compensatory award can include immediate loss of net earnings, future loss of earnings, loss of pension rights - maximum: £66,200. ( <i>Figures as at December 2009</i> ). Reducing factors can be taken into account, (e.g. employees conduct; duty to mitigate loss).
<b>5.</b>	<b>Do employees have the right to be members of a trade union?</b>	Yes, an employee is free to join a trade union or not to join as he chooses. Consequently it is unfair to dismiss any employee either because he is or because he is not a member of a trade union.
<b>6.</b>	<b>Is there any legal requirement for an employer to contribute to a pension for employees?</b>	An employer is obliged to offer employees access to a 'stakeholder' pension scheme but does not have to contribute unless this is provided for in the contract of employment. Must contribute to social security schemes with employee.
<b>7.</b>	<b>What are standard maternity rights?</b>	<p>Employees have the statutory right to take 52 weeks maternity leave. The first 26 weeks of leave is call "ordinary maternity leave": the subsequent 26weeks is called "additional maternity leave". This is subject to a simple notice requirement. Women are entitled to claim Statutory Maternity Pay (SMP) or maternity allowance, paid from public funds. Both men and women are entitled to parental leave. Leave is subject to notification requirements.</p> <p>Available, provided that an employee has been in continuous employment for at least one year. Only applies to parents of children who were born or adopted (or who</p>

		acquired formal parental responsibility) after 15 December 1999. For parents - child must be under 5; adopted - up to 18. Entitlement is to 13 weeks unpaid leave for each child (pro-rata for part time employees). An employee may also take paternity leave of up to 2 consecutive weeks which is subject to statutory paternity pay.
<b>9.</b>	<b>When are employees eligible for redundancy payments?</b>	After 2 years, if an employee is dismissed by reason of redundancy. Statutory redundancy pay is calculated with reference to age and service.
<b>10.</b>	<b>What are the statutory redundancy payment limits?</b>	1 ½ weeks pay for each year of employment if worked after 41 <sup>st</sup> birthday.- 1 weeks pay for each year if aged 22 or over: 1 weeks pay for each year if worked between 22 <sup>nd</sup> and 41 <sup>st</sup> birthday: ½ weeks pay for each year worked up to 22 <sup>nd</sup> birthday. Subject to a maximum of 20 years and £380 per week ( <i>as at December 2009</i> ).
<b>11.</b>	<b>Can existing employees be dismissed if you buy a business with employees?</b>	Generally 'no', in accordance with transfer of undertakings legislation. There must be a relevant 'transfer', which means there is an automatic transfer of the contracts of employment. If an employee is dismissed for a reason connected with the transfer then this is automatically 'unfair', unless the employer can show economic, technical or organisational reasons for a change in the workforce.
<b>12.</b>	<b>Any other general legislation?</b>	For example: equal pay, part-time workers, sex discrimination, race discrimination, disability discrimination, health and safety, working time regulations and time off to care for dependents.

\* Please note that labour law for Scotland and Northern Ireland may be subtly different and assumptions can not be made for those territories of the UK.