



Do you know your rights?

If you are an employee you may have some concerns about the rights you have at work.

For example, you may not have a written contract of employment or it may not be clear whether you are employed or self-employed, a temporary, agency or fixed term worker.

Other issues on which you may need advice may include:

- Minimum Wage
- Grievance Procedure
- Working Hours Directive
- Disciplinary Procedure
- Victimisation and Bullying
- Age Discrimination
- Whistle-blowing
- Human Rights
- Stress at Work
- IT/Email Policy

Unfair dismissal and discrimination

If you wish to start a claim to an employment tribunal, there are very strict time limits that must be adhered to. In most cases, you have three months, minus one day, from the start of the dismissal, but these time limits can vary depending on your situation.

You may also have a claim under your contract due to a breach by your employer. You may be able to claim for the distress caused to you.

The ACAS Code of Practice provides guidelines relating to disciplinary and grievance procedures. A failure to follow the ACAS Code of Practice will not be determinative of the fairness of the dismissal. However, if a finding of unfair dismissal is made the damages awarded to the employee could be increased by up to 25% if the ACAS Code of Practice has not been followed.

At Thomas Dunton we have a very professional, but friendly, employment department who will be happy to offer you advice on any concerns that you may have.

Redundancy

If you are to be made redundant you may be offered a “package” by your employer. You need to be sure that the offer is appropriate. We can advise you on any proposed “settlement agreement”.

Statutory redundancy pay provided by your employer follows a legal formula which takes into account your age and years of service.

Your employer should give you a statement showing how the payment has been calculated.

Payments of £30,000 or less may be tax free. We can advise you on your entitlement.

If the employer is insolvent, the government may pay you a limited amount.

National Minimum Wage

Rates from 6 April 2022 are:

• For all workers aged 23 and above	£9.50
• Workers aged 21-22 inclusive	£9.18
• Workers aged 18-20 inclusive	£6.83
• Workers aged under 18 [†]	£4.81
• Apprentices aged under 19	£4.81
• Apprentices aged 19 and over*	£4.81

[†] But above the compulsory school leaving age.

* But in the first year of their apprenticeship.

Annual Leave Entitlement

The following information relates to Employees’ minimum leave entitlements under the Working Time Regulations 1998.

Amounts are pro-rated for those who work less than a five day week. From 1 April 2020 5.6 weeks (28 days). This includes an increase by the Government to include a statutory right to paid leave for Bank and Public holidays.

There are currently eight permanent Bank and Public Holidays in Great Britain:

- | | |
|-------------------|-----------------------------|
| 1. New Year’s Day | 5. Spring Bank Holiday |
| 2. Good Friday | 6. Late Summer Bank Holiday |
| 3. Easter Monday | 7. Christmas Day |
| 4. May Day | 8. Boxing Day |

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A client guide to

Employee Rights

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Maternity & Parental Rights

Maternity

26 weeks ordinary maternity leave and 26 weeks additional maternity leave (total 52 weeks).

Pay: 90% of average weekly earnings for first 6 weeks and then **£156.66** a week or 90% of average weekly earnings (whichever is the lowest) for further 33 weeks (39 weeks in total).

Paternity

One or two weeks' leave.

Pay: 90% of average weekly earnings or **£156.66** (whichever is lowest).

Employees may be entitled to Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if they've had a baby or adopted a child.

Employees can **start SPL** if they're **eligible** and they or their partner end their maternity or adoption leave or pay early. The remaining leave will be available as SPL. The remaining pay may be available as ShPP.

Note: Father is only entitled if mother has returned to work before using full 52 week entitlement. It works by enabling the transfer of outstanding maternity leave to the mother's spouse or partner. It must be taken at least 20 weeks after birth and must end before child's first birthday

Parental Leave

Parental leave is unpaid. Employees are entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday.

Funding

If you think we could help, we will discuss funding with you. This can be on a private basis, or under any legal expenses insurance you may already have.

For more information, please contact us on 0800 358 2757 or visit our website www.thomasdunton.co.uk

Why choose Thomas Dunton?

Our personal service means that:

- Your case will be dealt with by a legal professional who understands your legal needs.
- We have built up, long established relationships, with local services
- We are always happy to discuss your case face to face, not just via email or telephone
- We have always been transparent about the costs involved
- We are audited annually, to ensure we maintain the high levels of best practice that you should expect

For advice on individual circumstances, please call 0800 358 2757 or email enquiry@thomasdunton.co.uk



Contracted with the Legal Aid agency

This guide is not a full statement of the law. Individual advice should be taken before taking any action. The information in this leaflet is of a general nature and may not reflect your individual circumstances. Please also note that details may change.

Don't leave legal issues too late: seek advice at the earliest stage.

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Here at Thomas Dunton Solicitors, we have been serving the community for over 40 years.

Our reputation as a competent, professional and compassionate law firm is echoed in our recent annual client survey:

93% of our clients said they would recommend us to their friends and family.



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