



Increase in qualifying period

The unfair dismissal qualifying period is one year for those employees whose employment commenced before 6 April 2012, and two years for those employment commenced on or after that date.

Written reasons for dismissal

The *Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 2012* amended by section 92(3) of the ERA 1996 to increase the qualifying period for entitlement to written reasons for dismissal from one year to two years, where an employee's employment with a new employer commenced on or after 6 April 2012.

There is no qualifying period where a woman is dismissed during pregnancy or during ordinary maternity leave or additional maternity leave (section 92(4), ERA 1996).

Unfair dismissal for taking part in official industrial action

For these purposes, "date of dismissal" means where the employee's contract of employment was terminated by notice, the date on which the employer's notice was given, and in any other case, the effective date of termination (section 238(5), TULRCA).

Right to a redundancy payment: time limits

If during those six months the employee gives a written notice to the employer claiming a redundancy payment or refers a redundancy pay claim to a tribunal or submits a claim for unfair dismissal to a tribunal. The time limit may be extended to one year if during the six months immediately following the first six month period the employee makes a written claim for payment to the employer or refers a redundancy pay claim to a tribunal or presents an unfair dismissal claim to a tribunal and it appears to the tribunal to be just and equitable that the employee should

receive a redundancy payment (section 164, ERA 1996). It may also be extended to one year if the employee dies during the six months following the relevant date (section 176(7), ERA 1996).

Right to unpaid additional maternity leave

At the start of the 14th week before the expected week of childbirth.

Discrimination claim

An act may be treated as done at the end of a period if it is an act "extending over" that period (section 123(3)(a), EqA 2010). Time limits for claims under EU law will generally be the same as those under national law, that is, three months under the *Equal Treatment Directive (76/207/EC)*, and three or six months under Article 157 of the Treaty on the Functioning of the European Union (formerly Article 141 of the EC Treaty) and the *Equal Pay Directive (75/117/EC)* (*Biggs v Somerset County Council 1996 ICR 364*).

Equal pay claims

The time limit for "stable work" cases is six months from the end of the stable work relationship and for "concealment" cases is six months from the day on which the employee discovered (or could with reasonable diligence have discovered) the qualifying fact (section 129(3), EqA 2010).

Rights on insolvency of employer

No statutory minimum qualifying period is required. However the rights in question, such as payment of statutory notice pay, in practice involve a period of qualifying employment.

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Working Time Regulations 1998

Where Regulation 38(2) applies (complaints by members of the armed forces), the time limit is extended from three months to six months (regulation 30(2)(a)).

Written statement of particulars of employment

Under section 1(2) of ERA 1996, an employee has a right to receive a written statement of employment particulars within two months of commencing employment. This is the case even if the employment ends before the expiry of the two month period (section 2(6), ERA 1996). By virtue of Section 198 of ERA 1996, however, the right does not apply to an employee if employment continues for less than one month. Accordingly, the right will only apply if the employee has been continuously employed for one month.

Statutory dispute resolution procedures

The statutory grievance procedures (GPs) and the statutory dismissal and disciplinary procedures (DDPs) were repealed by the *ACAS Code of Practice on Disciplinary and Grievance Procedures* (ACAS Code) on 6 April 2009. Under the GPs and DDPs there was an automatic three-month extension to the time limits above in certain circumstances but there is no automatic extension of time under the ACAS Code even if an appeal is still ongoing.

What can YVA do for you?

YVA Solicitors has a long history of representing employers in relation to all aspects of employment law including matters of unfair dismissal, redundancy, sex discrimination and harassment, race and disability discrimination and comprise agreements and we can advise on a range of issues in respect of employment contracts.

What next?

Should you wish to discuss matters generally or require case specific advice please do not hesitate to contact the Employment Department at YVA Solicitors.