

## Compensation limits from February 2009

	<b>ERA 1996 provisions</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>Unfair dismissal basic award</b>	S.227(1)(a)	Limit on a week's pay: <b>£310</b> Maximum: <b>£9,300</b>	Limit on a week's pay: <b>£330</b> Maximum: <b>£9,900</b>	Limit on a week's pay: <b>£350</b> Maximum: <b>£10,500</b>
<b>Unfair dismissal compensatory award</b>	S.124(1)	<b>£60,600</b>	<b>£63,000</b>	<b>£66,200</b>
<b>Unfair dismissal additional award</b> (for failure to comply with a reinstatement/re-engagement order – all additional awards are for 26 - 52 weeks' pay)	S.227(1)(b)	Limit on a week's pay: <b>£310</b> Maximum: <b>£16,120</b>	Limit on a week's pay: <b>£330</b> Maximum: <b>£17,160</b>	Limit on a week's pay: <b>£350</b> Maximum: <b>£18,200</b>
<b>Redundancy pay</b>	S.227(1)(c)	Limit on a week's pay: <b>£310</b> Maximum: <b>£9,300</b>	Limit on a week's pay: <b>£330</b> Maximum: <b>£9,900</b>	Limit on a week's pay: <b>£350</b> Maximum: <b>£10,500</b>
<b>Guarantee pay during short-time or temporary lay-off</b>	S.31(1)	Limit on a day's pay: <b>£19.60</b> Maximum: <b>£98</b> (in respect of five days in any period)	Limit on a day's pay: <b>£20.40</b> Maximum: <b>£102</b> (in respect of five days in any period)	Limit on a day's pay: <b>£21.50</b> Maximum: <b>£107.50</b> (in respect of five days in any period)

	<b>ERA 1996 provisions</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	
		of three months)	of three months)	of three months)	
<b>Insolvency rights: limits on pay for recoverable debts</b>	S.186(1)	Limit on a week's pay: <b>£310</b> Maximums: (1) Arrears of pay <b>£2,480</b> (2) Statutory notice pay <b>£3,720</b> (3) Holiday pay <b>£1,860</b> (4) Basic award <b>£9,300</b>	Limit on a week's pay: <b>£330</b> Maximums: (1) Arrears of pay <b>£2,640</b> (2) Statutory notice pay <b>£3,960</b> (3) Holiday pay <b>£1,980</b> (4) Basic award <b>£9,900</b>	Limit on a week's pay: <b>£350</b> Maximums: (1) Arrears of pay <b>£2,800</b> (2) Statutory notice pay <b>£4,200</b> (3) Holiday pay <b>£2,100</b> (4) Basic award <b>£10,500</b>	
		<b>Statutory provision</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>Unreasonable exclusion/expulsion from union, maximum award</b>	S.176(6) TULR(C)A		<b>£69,900*</b>	<b>£72,900*</b>	<b>£76,700*</b>
<b>Unjustifiable discipline by union</b>	S.67(8) TULR(C)A		<b>£69,900*</b>	<b>£72,900*</b>	<b>£76,700*</b>
<b>Unfair recruitment refusal of employment or services of employment agency on union</b>	S.140(4) TULR(C)A		<b>£60,600**</b>	<b>£63,600**</b>	<b>£66,200**</b>

	<b>Statutory provision</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>membership grounds</b>				
<b>Consultation with union on training</b>	S.70C(4) TULR(C)A	£620***	£660***	£700***
<b>Right to be accompanied</b>	S.11(3) EReIA 1999	£620***	£660***	£700***

### **Statutory Payments**

### **Parental Payments (from 5 April 2009)**

<b>Type of payment</b>	<b>Current rate (previous limit)</b>	<b>Max period</b>
<b>Statutory maternity pay (Higher rate)</b>	90% of normal weekly earnings	6 weeks
<b>Statutory maternity pay (basic rate)</b>	£123.06 (£117.18) a week or 90% of normal weekly earnings if lower	33 weeks
<b>Maternity allowance</b>	£123.06 (£117.18) a week or 90% of normal weekly earnings if lower	39 weeks

Type of payment	Current rate (previous limit)	Max period
<b>Statutory paternity pay</b>	£123.06 (£117.18) a week or 90% of normal weekly earnings if lower	2 weeks
<b>Statutory adoption pay</b>	£123.06 (£117.18) a week or 90% of normal weekly earnings if lower	39 weeks

### **Sickness payments (from 6 April 2009)**

Type of payment	Current rate (previous limit)	Max period
<b>Statutory sick pay (standard rate)</b>	£79.15 (£75.40) a week	28 weeks in any 3 years

### **National minimum wage**

Types of payment	From Oct 2006	From Oct 2007	From Oct 2008
<b>Workers aged 22 and over</b>	£5.35	£5.52	£5.73
<b>Workers aged 18-21</b>	£4.45	£4.60	£4.77

<b>Workers aged 16 and 17</b>	£3.30	£3.40	£3.53
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## Notes

\* Maximum for unfair dismissal basic and compensatory awards. In certain cases this is subject to a minimum of £7,300 (Ss.176(6A) and 67(8A) TULR(C)A).

\*\* Maximum for unfair dismissal compensatory award.

\*\*\* Maximum two weeks' pay.

## Minimum basic award

A minimum basic award applies in some cases of unfair dismissal. As from 1 February 2009 this minimum rose from £4,400 to £4,700. The minimum basic award applies where the principal reason for a dismissal is one of the following:

**trade union** membership or activities (Ss.152(1) and 153 TULR(C)A)

carrying out duties as a **health and safety representative** (S.100(1)(a) - (b) ERA)

carrying out duties as a **trustee of an occupational pension scheme** (S.102(1) ERA)

performing functions or activities as an **employee representative** (Ss.101A(d) and 103 ERA).

## When do the new limits take effect?

These compensation limits apply when the relevant date is on or after 1 February 2009, the relevant dates for the various affected employment rights being as follows:

unfair dismissal basic and compensatory awards: effective date of termination

unfair dismissal additional award: date by which reinstatement/re-engagement order should have been complied with

redundancy pay: normally the effective date of termination, but see Ss.145 and 153 ERA

guarantee pay: day for which claimed

insolvency rights for arrears of pay and holiday pay, the date of the employer's insolvency.

For statutory notice pay, the later of the date of the employer's insolvency or the effective date of termination. For a basic award, the latest of the date of insolvency, effective date of termination or date on which the award was made

unreasonable exclusion/expulsion from union: date of refusal of application for, or expulsion from, membership

unjustifiable discipline by union: date of determination complained of

unfair recruitment: date of conduct complained of

consultation with union on training: date of the alleged failure

right to be accompanied: date of the failure or threat to fail to allow employee to be accompanied.

The changes are effected by the Employment Rights (Increase of Limits) Order 2008 SI 2008/3055.