

## Employment protection in the United Kingdom – 2008

Item 1 Notification procedures in the case of individual dismissal of a workers with a regular contract	<b>Individual termination:</b> Employees with 1 years' continuous service have the right to receive from their employers, on request, a written statement of the reasons for their dismissal. Employees dismissed during pregnancy or statutory maternity leave are entitled to receive a statement regardless of whether they have asked for one and regardless of length of service. <b>Redundancy:</b> Consultation with recognised trade union recommended, but not legally required when few workers are affected.
Item 2 Delay involved before notice can start	<b>Individual termination:</b> Written or oral notification.
Item 3 Length of notice period at different tenure durations	<b>All workers:</b> 0<1m, 1w<2y, plus one additional week of notice per year of service up to a maximum of 12 weeks.
Item 4 Severance pay at different tenure durations	<b>All workers:</b> none. Legally required only for redundancy cases with 2 years tenure: half a week per year of service (age up to 21); 1 week per year (ages 22 to 40); 1.5 weeks per year (ages 41 to 64), limited to 30 weeks and £330 per week (indexed to inflation). According to a government study, 40% of firms exceed legal minima.
Item 5 Definition of unfair dismissal	<b>Fair:</b> Dismissals relating to the capability, qualifications or conduct of the employee; because he/she is redundant; because continued employment would be illegal; or some other "substantial reason". One year tenure generally necessary for being able to file for unfair dismissal. <b>Unfair:</b> Dismissals related to a range of reasons including trade union activity, health and safety whistle blowing, pregnancy or maternity, and the national minimum wage. No qualifying service required for complaints for these reasons
Item 6 Length of trial period	Trial periods are for agreement between employer and employee, but do not affect the employee's statutory employment rights. Claims under unfair dismissal legislation are not normally possible until 1 year's service has been completed.
Item 7 Compensation following unfair dismissal	Compensation may consist of various elements: basic award (up to £7 800); compensatory award (up to £53 500); and additional awards (up to £13 520). Unlimited, if the dismissal is connected with health and safety matters or whistle blowing. Compensation under discrimination legislation is also unlimited. <b>Typical compensation at 20 years tenure:</b> 8 months
Item 8 Reinstatement option for the employee following unfair dismissal	Employers are not obliged to reinstate but if a tribunal orders reinstatement or re-engagement in a comparable job and the employer refuses to comply, the tribunal may make an additional award on top of the basic and compensatory awards.
Item 9 Maximum time period after dismissal notification up to which an unfair dismissal claim can be made	Within three months of the employee's effective date of termination. If the application is received any later than that date, the tribunal will consider the complaint only if they believe it was not reasonably practicable for the employee to have made the complaint within the three-month period and that it has been made within such further period as they consider reasonable. However, the time limit will be extended in certain circumstances by a further three months where the employee has reasonable grounds for believing that a dismissal or disciplinary procedure (statutory or otherwise) is still in progress at the point where the normal time limit would have expired.
Item 10 Valid cases for use of fixed term contracts	No restrictions.
Item 11 Maximum number of successive FTCs (initial contract plus renewals and/or prolongations)	No limit.
Item 12 Maximum cumulated duration of successive FTCs	Four years, after which they will be treated as a permanent employee.
Item 13 Types of work for which temporary work agency (TWA) employment is legal	General.
Item 14 Are there restrictions on the number of renewals and/or prolongations of TWA contracts?	No restrictions.
Item 15 Maximum cumulated duration of TWA contracts	No limit.
Item 16 Does the set-up of a TWA require authorisation or reporting obligations?	No authorisation or reporting requirements.
Item 17 Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	No requirement for equal treatment.

Item 18 Definition of collective dismissal	Within 90 days, 20+ employees.
Item 19 Additional notification requirements (compared to Item 1) in cases of collective dismissal	<b>Notification of employee representatives:</b> Duty to inform and consult with recognised trade union or other elected employee representatives. <b>Notification of public authorities:</b> There is a requirement to notify the Department for Business, Enterprise and Regulatory Reform (BERR), so that the appropriate Government agencies can take action to help the affected employees.
Item 20 Additional delays involved (compared to Item 2)	Dismissals may not take effect until 30 days after notifying BERR if 20-99 workers are involved, and 90 days when 100+ workers are involved.
Item 21 Other special costs to employers in case of collective dismissals	<b>Type of negotiation required:</b> Consultation on selection standards and dismissal procedures. <b>Selection criteria:</b> No criteria laid down in law, except for prohibition of discrimination. Often mix of seniority and performance-based criteria. <b>Severance pay:</b> No special regulations for collective dismissal.

*This summary was produced by the OECD based on responses to a questionnaire submitted by authorities in OECD member countries. It describes the situation current as at 1 January 2008 and is the basis for calculating the OECD employment protection indicators. To find out more about the methodology used to calculate the OECD employment protection indicators, see [www.oecd.org/employment/protection](http://www.oecd.org/employment/protection).*