

Legal Brief

UNILEG 1.2011

Employment Law Time Chart

DISMISSAL			
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Written reasons for dismissal (S.92 ERA 1996)	1 year (a)	3 months starting with EDT (Effective Date of Termination)	*
Unfair dismissal ERA 1996)	1 year (o)	3 months starting with EDT	* (l)(o)
Unfair Dismissal for a reason connected with medical suspension (S.108(2) ERA 1996)	1 month	3 months starting with EDT	*
Unfair Dismissal for taking part in official industrial action (S.238A & 239(2) TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	None	6 months from complainant's date of dismissal	* (b)(n)
Unfair Dismissal for 'trade union' reasons (Ss.152 & 153 TULR(C)A) (TULR(C)A 1992 partially repealed by EA 2010)	None	3 months starting with EDT	*(n)

Unfair Dismissal by reason of business transfer, or a reason connected with the transfer which is not an ETO reason entailing changes in the workforce (TUPE 2006, Reg 7)	1 year	3 months starting with EDT	*
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Unfair Dismissal for a reason connected with pregnancy, childbirth, maternity, maternity leave, parental leave or dependent care leave (S.99 ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal for a health and safety reason (S.100 ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal of a shop or betting worker for refusing to work on a Sunday (S.101 ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal for a reason connected with the Working Time Regulations 1998 (S.101A ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal for performing functions as an occupational pension trustee (S.102 ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996

Unfair Dismissal for performing functions as an employee representative (S.103 ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal related to making a protected disclosure (S.103A ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Unfair Dismissal for asserting a statutory right (S.104 ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal related to national minimum wage (S.104A ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal for enforcing right to working family tax credits (S.104B ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal in relation to a request for flexible working (S.104C ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal in connection with pension enrolment (s.104D ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal related to status as part-time worker (PTW Regs, Reg 7)	None	3 months starting with EDT	* See s.108 ERA 1996

Unfair Dismissal related to status as fixed-term employee (FTE Regs, Reg 6)	None	3 months starting with EDT	** See s.108 ERA 1996
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Unfair Dismissal related to a claim for union recognition (Sch A1 para 161 TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	None	3 months starting with EDT	* See s.108 ERA 1996 (n)
Unfair Dismissal related to establishment of, or participation in, a European Works Council or information and consultation procedure (TICE Regs, Reg 28)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal for performing or proposing to perform functions or activities of an information and consultation representative or candidate (ICE Regs, Reg 30)	None	3 months starting with EDT	* See s.108 ERA 1996
Unfair Dismissal relating to jury service (S.98B ERA 1996)	None	3 months starting with EDT	* See s.108 ERA 1996

Interim relief pending complaint under Ss.100, 101A, 102, 103, 103A ERA 1996 or Sch A1 para 161 TULR(C)A 1992 (S.128 ERA 1996) (TULR(C)A 1992 partially repealed by EA 2010)	None	7 days immediately following EDT	*** See s.108 ERA 1996 (n)
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REDUNDANCY/BUSINESS TRANSFERS			
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Redundancy payment (Part XI ERA 1996) (ERA 1996 ss155, 164(1) and s145)	2 years (c)	6 months starting with 'relevant date' (d)(l)	
Consultation with appropriate representatives over proposed redundancies (Ss.188, s189(5) TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	N/A	either before dismissal or 3 months starting with date on which last dismissal in relevant period takes effect	*(n)
Failure to pay remuneration under protective award (S.190, s192(2) TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	None	3 months starting with last day in respect of which complaint is made	*(n)
Failure to consult with appropriate representatives over a business transfer (TUPE, Reg 15(1) and Reg 15(12))	N/A	3 months starting with date of completion of transfer	*
Failure to comply with a compensation order made under Reg 15 (TUPE, Reg 15(10)+ Reg 15(12))	N/A	3 months starting with date of tribunal's order	*
Failure by transferor to notify transferee of relevant information (TUPE, Reg 12(2))	N/A	3 months starting with date of relevant transfer	*

MATERNITY AND PARENTAL LEAVE			
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Right to 26 weeks' ordinary maternity leave (S.71 ERA 1996)	None	N/A	
Right to 26 weeks' additional maternity leave (S.73 ERA 1996)	None	N/A	
Right to 26 weeks' ordinary adoption leave (S.75A ERA 1996)	None	N/A	
Right to 26 weeks' additional adoption leave (S.75B ERA 1996)	None	N/A	
Right to 2 weeks' paternity leave (S.80A ERA 1996)	26 weeks continuous service at 15th week before EWC	N/A	
Right to return to the same job or, if that is not practicable, to a suitable alternative job after additional maternity leave or a period of parental leave of more than 4 weeks (MPL Regs, Reg 18)	None	N/A	
Right to be offered alternative work before maternity suspension (s.67 ERA 1996)	None	3 months starting with first day of suspension (s.70 ERA 1996)	*
Right to be paid during maternity suspension (S.68 + s70. ERA 1996)	None	3 months starting with day in respect of which the claim is made	*
Right to 13 weeks' unpaid parental leave in respect of each child, 18 weeks for parents of disabled children (MPL Regs, Regs 13 & 14 + s80(1) ERA 1996)	1 year continuous employment?	3 months from the date or last date of matters complained of	* (p)
Right to return to the same job after a period of parental leave of 4 weeks or less (MPL Regs, Reg 18)	None	N/A	

Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Right not to suffer detriment in relation to pregnancy, maternity leave, adoption leave, paternity leave, parental leave, or time off for dependents (S.47C + s.48(1) ERA 1996)	None	3 months starting with date of (last) act or failure to act	*

DISCRIMINATION			
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Sex discrimination claim (Parts I, II & VII SDA 1975) (SDA 1975 repealed by EA 2010)	None	3 months starting with date of act complained of	** (g)(l)(n)
Race discrimination claim (Parts I, II & VIII RRA 1976) (RRA 1976 repealed by EA 2010)	None	3 months starting with date of act complained of	** (g)(l)(n)
Disability discrimination claim (Parts I, II & Sch 3 DDA 1995) (DDA 1995 repealed by EA 2010)	None	3 months starting with date of act complained of	** (g)(l)(n)
Sex discrimination claim under EC law (Art.5 Equal treatment Directive 76/207)	None	3 months starting with date of act complained of	(h)
Equal pay/value claim under EC law (Art.141 EC treaty & Art.1 Equal Pay Directive 75/117)	None	3/6 months starting with the end of the employment for which the equality clause is claimed	(h)
Equal pay claim (EqPA 1970) (EqPA 1970 repealed by EA 2010)	None	6 months starting with end of the employment for which the equality clause is claimed	(i)(l)(n)
Application by EHRC in connection with discriminatory advertising etc. and/or pressure to discriminate (Equality Act 2006, s25) (s25 repealed by EA 2010)	N/A	6 months starting when act to which application relates was done or with the permission of the tribunal, court of sheriff	(m)(n)
Religion or belief discrimination claim (EE(RoB) Regs 2003) (Regs revoked by EA 2010)	None	3 months starting with date of act complained of	** (g)(l)(n)
Sexual orientation discrimination claim (EE(SO) Regs 2003) (Regs revoked by EA 2010)	None	3 months starting with date of act complained of	** (g)(l)(n)
Age discrimination claim (EE(Age) Regs 2006) (Regs revoked by EA 2010)	None	3 months starting with date of act complained of	** (g)(l)(n)

Claim of discrimination on the ground of civil partnership status (S.251 SDA 1975) (SDA 1975 repealed as above)	None	3 months starting with date of act complained of	** (g)(l)(n)
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TRADE UNIONS AND UNION MEMBERS			
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Interim relief pending S.152 complaint (S.161(1) and (2) TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	None	7 days immediately following	EDT***(n)
Right not to suffer detriment as a result of being a union member or taking part in union activities (S.146 & s147 TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	None	3 months starting with date of (last) act or failure to act	*(n)
Unlawful exclusion/expulsion from union (S.174 & s175 TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	None	6 months starting with date of exclusion/expulsion	*(n)
Application for compensation after successful S.174 complaint (S.176 TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	None	Not earlier than 4 weeks and not later than 6 months from date of ET's decision	***(n)
Unjustifiable discipline by union (Ss.64 to 66 TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	None	3 months starting with date of union's decision	****(n)
Application for compensation after successful S.66 complaint (S.67 TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	None	Not earlier than 4 weeks and not later than 6 months from date of ET's decision	***(n)
Unauthorised deduction of union subscriptions (S.68 & s68A TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	None	3 months starting with date of payment	*(n)

Refusal of employment/services of employment agency on grounds related to union membership (S.137/S.138/s139 TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	N/A	3 months starting with date of conduct complained of	*(n)
Complaint by trade union over employer's failure to comply with collective bargaining obligations regarding training (S.70B & s70C TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	N/A	3 months starting with the alleged failure	*(n)
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Complaint about either a wrongful deduction of contributions to a union political funds, or a refusal to deduct union dues (s 68 & s68A TULR(C)A 1992) (TULR(C)A 1992 partially repealed by EA 2010)	N/A	3 months starting with date of payment of emoluments	*(n)
Complaint by a worker about inducements relating to trade union membership or activities, or to collective bargaining (Ss.145A, s145B and s145C TULR(C)A 1992) Time off (TULR(C)A 1992 partially repealed by EA 2010)	N/A	3 months beginning when the offer, or last offer, was made	*(n)
Right to unpaid time off for public duties (S.50 ERA 1996)	None	3 months from date of failure to give time off	*
Right to paid time off to look for work where notice of dismissal by reason of redundancy has been given (Ss.52 & 53 & 54 ERA 1996)	2 years	3 months starting with day time off should have been allowed	*

Right to paid time off for antenatal care (Ss.55 & 56& 57 ERA 1996)	None	3 months starting with date of appointment	*
Right to unpaid time off to care for dependants (Ss.57A & 57BERA 1996)	None	3 months starting with date when refusal occurred	*
Right to paid time off for pension scheme trustees (Ss.58 & 59 & 60 ERA 1996)	None	3 months starting with the date when the failure occurred	*
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Right to paid time off for employee representatives (Ss.61 & 62 & 63 ERA 1996)	None	3 months starting with day time off taken or on which time off should have been allowed	*
Right to paid time off for representatives of employee safety and for candidates standing for election as such a representative (reg 7 & sch 1 & sch 2 H&S Regs 1996)	None	3 months starting with the date when the failure occurred	*
Right to paid time off for safety representatives (regs 4 & 11SRSC Regs 77)	None	3 months starting with the date when the failure occurred	*
Right to paid time off for information and consultation representatives (Regs 27, 28 & 29 ICE Regs 2004)	None	3 months starting with the day time off taken or on which time off should have been allowed	*
Right to paid time off for union duties (Ss.168 & 169 & 171 TULR(C)A) (TULR(C)A 1992 partially repealed by EA 2010)	None	3 months starting with the date when the failure occurred	*(n)
Right to unpaid time off for union activities (Ss.170 & 171 TULR(C)A) (TULR(C)A 1992 partially repealed by EA 2010)	None	3 months starting with the date when the failure occurred	*(n)

Right to time off for study or training (Ss.63A, 63B & 63C ERA 1996)	None	3 months starting with day time off taken or on which time off should have been allowed	*
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MISCELLANIOUS			
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Guarantee pay (Ss.28-35 ERA 1996)	1 month	3 months starting with day for which payment claimed	*
Rights on insolvency of employer (Ss. 182 & 188 Part XII ERA 1996)	None	3 months starting with date of communication of Secretary of State's decision	*(j)
Itemised pay statement (Ss.8 & 11 ERA 1996)	None	3 months starting with date on which employment ceased	*
Written particulars of employment (Ss.1 & 11 ERA 1996)	1 month	3 months starting with date on which employment ceased	*
Medical suspension pay (Ss.64, 65 & 70 ERA 1996)	1 month	3 months starting with first day of suspension	*
Unlawful deduction from wages (Part II (s23) ERA 1996)	None	3 months from date of (last) deduction or (last) payment to employer	*
Right to be accompanied at a grievance or disciplinary hearing (Ss.10 & 11 ERA 99)	None	3 months from date of failure or threat of failure	*
Unlawful infringement of human rights by public body (Ss. 6 & 7 HRA 98)	None	1 year from date of act complained of	*****
Failure to allow access to records relating to national minimum wage (Ss.9 to 11 NMWA 98)	None	3 months after the period of 14 days (or longer if agreed) following receipt of the production notice	
Right not to be treated less favourably because of part-time status (Regs 5 & 8 PTW Regs 00,)	None	3 months from date of less favourable treatment	** (g)

Right of part-time worker to receive written statement of reasons for less favourable treatment (Reg 6 PTW Regs 00,)	None	N/A	
Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Right not to be treated less favourably because of fixed-term status (Regs 3 & 7, FTE Regs 02)	N/A	3 months from date of less favourable treatment or detriment to which complaint relates, or, where act is part of a series, the last of them	**
Right of fixed-term employee to receive written statement of reasons for less favourable treatment (Reg 5, FTE Regs 02)	N/A	N/A	
Right of fixed-term employee to be informed by employer of permanent vacancies (Regs 3(6) & 7 FTE Regs 02)	N/A	3 months from (last) date on which other individuals, whether or not employees of the employer, were informed of the vacancy	**
Right of employee employed under successive fixed-term contracts to be regarded as a permanent employee (Reg 8 FTE Regs 02)	N/A	N/A	
Right of employee employed under successive fixed-term contracts to receive written statement that he or she is a permanent employee (Reg 9 FTE Regs 02)	N/A	N/A	

Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Right not to suffer detriment in relation to: health and safety (S.44 ERA 96); Sunday working (S.45 ERA 96); jury service (S.43M ERA 96); performing functions as a pension trustee (S.46 ERA 96) or as an employee representative (S.47 ERA 96); time off for study or training (S.47A ERA 96); protected disclosures (S.47B ERA 96); dependant care leave (S.47C ERA 96); right to be accompanied at a grievance or disciplinary hearing (S.10 EReIA 99); national minimum wage (S.23 NMWA 99); European Works Councils (Reg 32, TICE Regs 99); or payment of tax credits by the employer (s25 TCA 02 & s108(3)(gh)ERA 96)	None	3 months starting with date of (last) act or failure to act	* (l)
Right not to suffer detriment in relation to part-time working (Regs 7 & 8 PTW Regs 00)		3 months starting with date of (last) act or failure to act	** (l)
Complaint that Secretary of State has not paid a sum in respect of the unpaid pensions contributions of an insolvent employer. (S.126(2) PSA 93)	None	3 months starting with the date on which the Secretary of State's decision was communicated to the person(s) presenting it	*

Complaint	Qualifying Period	Time Limit for Employment Tribunal Complaint	Notes (see below)
Contract claim by employee	None	In the employment tribunal, 3 months starting with EDT or if no EDT the last day on which the employee worked. In the county court or High Court, 6 years from breach of contract	*
Contract claim by employer	None	In the employment tribunal, 6 weeks from receipt of employee's claim. In the county court or High Court, 6 years from breach of contract	*

Glossary

ERA 96 = Employment Rights Act 1996

PTW Regs 00 = Part-time Workers (Prevention of Less Favourable Treatment) Regs 2000

FTE Regs 02 = Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002

TULR(C)A 92 = Trade Union & Labour Relations (Consolidation) Act 1992

TICE Regs 99 = Transnational Information and Consultation of Employees Regulations 1999

ICE Regs 04 = Information and Consultation of Employees Regulations 2004

TUPE Regs 06 = Transfer of Undertakings (Protection of Employment) Regulations 2006

MPL Regs 99 = Maternity and Parental Leave etc Regulations 1999

SDA 75 = Sex Discrimination Act 1975

RRA 76 = Race Relations Act 1976

DDA 95 = Disability Discrimination Act 1995

EqPA 70 = Equal Pay Act 1970

EE(RoB) Regs 03 = Employment Equality (Religion or Belief) Regulations 2003

EE(SO) Regs 03 = Employment Equality (Sexual Orientation) Regulations 2003

EE(Age) Regs 06 = Employment Equality (Age) Regulations 2006

H&S Regs 89 = Health and Safety (Consultation with Employees) Regs 1996

SRSC Regs 77 = Safety Representatives and Safety Committees Regulations 1977

EReIA 99 = Employment Relations Act 1999

HRA 98 = Human Rights Act 1998

NMWA 99 = National Minimum Wage Act 1998

TCA 02 = Tax Credits Act 2002

PSA 93 = Pensions Schemes Act 1993

EA 2010 = Equality Act 2010

Notes

(a) Where a woman is dismissed during pregnancy or during ordinary or additional maternity leave periods – she is entitled to a written statement without having to request it and irrespective of whether she has been continuously employed for any period (S.92(4) ER Act 1996).

(b) For these purposes ‘date of dismissal’ means (a) where the employee’s contract of employment was terminated by notice, the date on which the employer’s notice was given, and (b) in any other case, the EDT – S.238(5) TULR(C) Act.

(c) Starting on 18th birthday if the employee started work before that date.

(d) 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 – S.164 ER Act. It may also be extended to one year if the employee dies during the six months following the relevant date – S.176(7) ER Act.

(e) Unless the claimant was employed under a fixed-term contract for three months or less or a contract for the performance of a specific task which was not expected to last more than three months in which case he or she must have been continuously employed for more than three months in order to qualify.

(f) At the beginning of the 11th week before the expected week of childbirth.

(g) However, an act may be treated as done at the end of a period if it is an act 'extending over' that period (S.76(6)(b) SD Act/S.68(7)(b) RR Act/Sch 3 para 3(3)(b) DD Act) – see *Barclays Bank plc v Kapur & ors* 1991 ICR 208.

(h) There are no expressly stated time limits governing actions under EC law. Time limits will generally be analogous to those under national law, i.e three months under the EC Equal Treatment Directive (No.76/207), and three or six months under Article 141 of the EC Treaty and the EC Equal Pay Directive (No.75/117). In *Biggs v Somerset County Council* 1996 ICR 364 (Brief 559) a part-time employee brought a claim for unfair dismissal compensation relying on *R v Secretary of State for Employment ex parte EOC & anor* 1994 IRLR 176 (Brief 513), in which the House of Lords ruled that the qualifying hours thresholds in UK legislation were contrary to Article 141. The Court of Appeal held that the relevant national time limit of three months began to run against the applicant from the date of her dismissal in the 1970s.

i) The House of Lords confirmed the legality of the six-month time limit in *Preston & ors v Wolverhampton Healthcare NHS Trust & ors* (No 2); *Fletcher & ors v Midland Bank plc* (No 2) 2001 ICR 217, except in cases involving the application of the time limit to employees working on a succession of fixed-term contracts. Please note also that a TUPE transfer does have the effect of triggering the six month time limit for equal pay claims against the old employer: *Sodexo v Guttridge* [2009] IRLR 721.

(j) No statutory minimum qualifying period, but the rights in question – e.g payment of statutory notice pay – in practice involve a period of qualifying employment.

(k) In a case where Reg 38(2) applies (complaints by members of the armed forces), the time limit is extended from three months to six months (Reg 30(2)(a)).

(l) The Employment Act 2008 introduced new provisions that affects time limits previously covered by the now repealed Employment Act 2002 (Dispute Resolution) Regulations 2004 SI 2004/752. Under the old regime, time limits were extended by three months if a grievance or appeal was lodged. This is no longer the case. There were transitional provisions, but it is extremely unlikely that these would now apply.

Therefore, claimants should not rely on an extension of time for the filing of an ET complaint simply on the basis that a grievance has been lodged.

Despite the fact that a grievance does not secure an extension of time for the lodgement of ET claims it remains vitally important to lodge a grievance with an employer as soon as possible as a failure to do so could allow an ET to reduce any compensatory award by an amount up to 25%. But always remember that a grievance does not secure an extension of time!

(m) The work and enforcement powers of the EOC and CRE transferred to the Equality and Human Rights Commission in October 2007.

(n) 1. Most of the Equality Act 2010 came into force on 1 October 2010. There are transitional arrangements to cover:-

- unlawful conduct (discrimination, harassment or victimisation) occurring wholly before 1 October 2010; - EA 2010 will not apply. Covered by provisions being repealed or revoked on 1 October 2010. This also applies to any legal proceedings brought or in the process of being heard before 1 October 2010. They will proceed according to the legislation under which they were brought, even though they may continue after 1 October 2010;
- unlawful conduct occurring before 1 October 2010 and continuing on or after 1 October 2010 (so that it is considered by a court or Tribunal to be a continuing act); - EA 2010 applies;
- unlawful conduct occurring on or after 1 October 2010;- EA 2010 applies;
- Victimisation on or after 1 October 2010 relating to a 'protected act' or alleged 'protected act' that took place before 1 October 2010:- any victimisation complaint or legal proceedings should be brought under the Equality Act 2010 (section 27). The Equality Act 2010 applies even though the protected act was done under the previous legislation, and not under the Equality Act 2010.

2. TULR C) A 1992;- In Schedule A2 the entries for EqPA 1970, SDA 1975, RRA 1976, DDA 1995, EE (SO)Regs 03, EERoB) Regs 03, EE (Age) Regs 06, have been repealed by EA 2010 and in schedule 2, paragraph 3(1) to (3) and the preceding cross-heading have been repealed.

(o) Qualifying period to be increased to two years from 6 April 2012.

(p) The Parental Leave Directive (2010/18/EC) repeals and replaces the Parental Leave Directive (96/34/EC). The permitted period of parental leave following the birth or adoption of a child increases from three to four months and at least one of the four months will not be transferrable between parents. Member states have until 8 March 2012 to bring this into force.

* EDT = Effective Date of Termination. An ET can extend time limit where they consider it was 'not reasonably practicable' to present the complaint in time.

** ET can extend time limit where they consider it 'just and equitable' to do so - (FTE Regs, Reg 7(3))

*** No extension of time allowed, except possibly where there has been deliberate fraud by the employer, causing the employee to suffer real injustice in missing the time limit – Grimes v Sutton London Borough Council 1973 ICR 240.

****ET can extend time limit on 'not reasonably practicable' grounds, as above, or where delay was caused by reasonable attempts to pursue internal appeal, etc.

*****Under S.7(5) HR Act, the court or tribunal have the discretion to extend the time limit to such longer period as they consider equitable having regard to all the circumstances.

THIS BRIEF REPLACES UNILEG/5/2000, UNILEG.1.2008, UNILEG.2.2009, UNILEG 8.2010 & UNILEG.1.2011

This is one in a series of briefings on legal and industrial relations issues, which we hope Branches and Regional Organising Staff will find useful. These briefs are not a full statement of law and further advice should be sought before bringing or defending proceedings. If there are any subjects you would like covered, please contact Adam Creme, Legal Services ext. 541 or Christine Durance, Policy and Public Affairs, ext. 400 (both at Mabledon Place)