



University of Strathclyde  
**LAW CLINIC**

## 2C. Time Limits for Each Type of Claim

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# What this Guide will Cover

Unfair dismissal (Including TUPE dismissals);

Wrongful dismissal;

Discrimination;

Whistleblowing;

The right to statutory redundancy payment;

Right to annual leave and pay during annual leave;

Unlawful deductions from wages.

# Unfair Dismissal (Ordinary)

Statutory right:

- ▶ Unfair Dismissal (Including TUPE dismissals).

Time limit for complaint:

- ▶ 3 months less a day starting with the Effective Date of Termination (EDT).

Qualifying Period:

- ▶ 2 years.

# Unfair Dismissal (Automatic)

## Statutory right:

- ▶ Unfair Dismissal connected with: pregnancy/maternity; health and safety; Sunday working; Working Time Regulations; whistleblowing; asserting a statutory right; NMW; part time status; fixed term status; agency worker status.

## Time limit for complaint:

- ▶ 3 months less a day starting with the Effective Date of Termination (EDT).

## Qualifying Period:

- ▶ None.

# Wrongful Dismissal

## Statutory right:

- ▶ Wrongful dismissal (breach of contract).

## Time limit for complaint:

- ▶ 3 months less a day starting with the Effective Date of Termination (EDT). Or if no EDT the last day on which the employee worked.
- ▶ In civil courts, 6 years from the breach of contract in England and Wales, 5 years in Scotland.

## Qualifying Period:

- ▶ None.

# Discrimination

## Statutory right:

- ▶ Right not to be discriminated against favourably because of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.

## Time limit for complaint:

- ▶ 3 months less a day starting with the date of the act to which the complaint relates or, where act is part of a series, the last of them.

## Qualifying Period:

- ▶ None.

# Whistleblowing

## Statutory right:

- ▶ Unfair Dismissal.
- ▶ Right not to suffer a detriment.

## Time limit for complaint:

- ▶ 3 months less a day starting with the Effective Date of Termination (EDT) or the last act of detriment.

## Qualifying Period:

- ▶ None.

# The Right to a Statutory Redundancy Payment

Statutory right:

- ▶ The right to a statutory redundancy payment.

Time limit for complaint:

- ▶ 6 months starting with the relevant date.
- ▶ However, if the claim includes unfair dismissal, this must be raised within 3 months less a day.

Qualifying Period:

- ▶ 2 years.

# Right to Annual Leave and Pay during Annual Leave

## Statutory right:

- ▶ Right to annual leave and pay during annual leave.

## Time limit for complaint:

- ▶ 3 months less a day from date when right or pay should have been permitted.
- ▶ If you have suffered a series of unlawful deductions of holiday pay then more complex rules apply. Please seek legal advice as soon as possible.

## Qualifying Period:

- ▶ None.

# Unlawful Deductions from Wages

Statutory right:

- ▶ Unlawful deductions from wages.

Time limit for complaint:

- ▶ 3 months less a day from the date of the last deduction.
- ▶ If you have suffered a series of unlawful deductions then more complex rules apply. Please seek legal advice as soon as possible.

Qualifying Period:

- ▶ None.