11.4 Employment

Name: _____ Class: _____ Date: _____ **Total: 14 marks**

KEY WORDS unfair dismissal • statutory redundancy pay

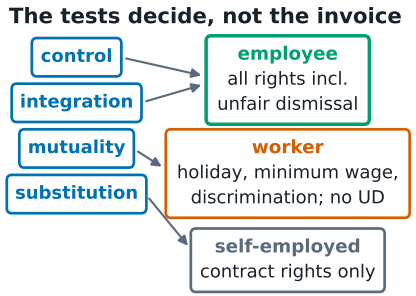
Objective

Apply the status tests, compute notice and statutory redundancy pay, and place the data duties.

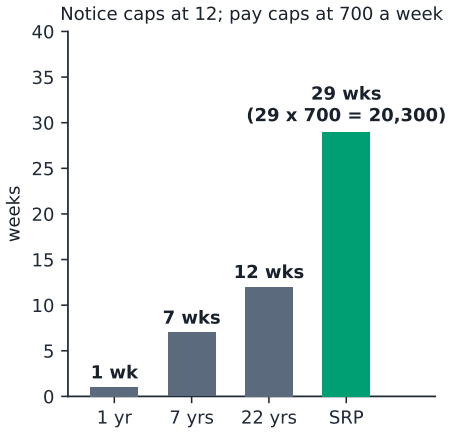
1 Key knowledge and worked examples

■ Tests, then arithmetic

Control, integration, mutuality, substitution - real terms beat paper (Autoclenz). Notice: 1 week under 2 years, a week a year to 12. SRP: week capped at 700, 0.5/1.0/1.5 by age band, 20 years counted.



Autoclenz [2011] UKSC 41: real terms beat written pretence



The entitlements follow the status the tests find

■ Worked example. The Saturday baker

22 years ending at 59, weekly 800, last 20 years counted: 18 x 1.5 + 2 x 1.0 = 29 weeks ✓ at the capped 700 = 20,300 ✓; notice capped at 12 weeks ✓.

2 Practice

2.1 Twelve years' service ending at age 47, weekly pay 500 (under the cap). The banded weeks and the statutory redundancy pay. [4]

2.2 Statutory notice at: 1 year's service; 12 years; 15 years. [3]

2.3 A delivery rider supplies her own van, can subcontract, has five other clients, but works your rota nine months running. The likely status and the decisive tests. [4]

2.4 The app holds allergy data on 14,000 customers. Who is the controller, and the two ICO fine tiers. [3]

Solutions

2.1

- Ages 41-47: 7 years at 1.5; ages 36-40: 5 at 1.0.
- $10.5 + 5 = 15.5$ weeks $\times 500 = 7{,}750$ pounds.

2.2

- 1 year: 1 week; 12 years: 12 weeks.
- 15 years: capped at 12 weeks (ERA 1996 s.86).

2.3

- Worker at least; the nine-month rota is mutuality and integration.
- Substitution and other clients point self-employed - Autoclenz reads the real terms: a controlled rota with her own equipment is the worker category, not employment.

2.4

- The business decides purposes and means: it is the controller.
- Standard tier 8.7m or 2%; upper tier 17.5m or 4% - whichever is higher in each.

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