

Status: Point in time view as at 01/08/2012.

Changes to legislation: Equality Act 2010, Cross Heading: Redundancy is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 9 **E+W+S**

WORK: EXCEPTIONS

PART 2 E+W+S

EXCEPTIONS RELATING TO AGE

Redundancy

- 13 (1) It is not an age contravention for a person to give a qualifying employee an enhanced redundancy payment of an amount less than that of an enhanced redundancy payment which the person gives to another qualifying employee, if each amount is calculated on the same basis.
- (2) It is not an age contravention to give enhanced redundancy payments only to those who are qualifying employees by virtue of sub-paragraph (3)(a) or (b).
- (3) A person is a qualifying employee if the person—
- (a) is entitled to a redundancy payment as a result of section 135 of the Employment Rights Act 1996,
 - (b) agrees to the termination of the employment in circumstances where the person would, if dismissed, have been so entitled,
 - (c) would have been so entitled but for section 155 of that Act (requirement for two years' continuous employment), or
 - (d) agrees to the termination of the employment in circumstances where the person would, if dismissed, have been so entitled but for that section.
- (4) An enhanced redundancy payment is a payment the amount of which is, subject to sub-paragraphs (5) and (6), calculated in accordance with section 162(1) to (3) of the Employment Rights Act 1996.
- (5) A person making a calculation for the purposes of sub-paragraph (4)—
- (a) may treat a week's pay as not being subject to a maximum amount;
 - (b) may treat a week's pay as being subject to a maximum amount above that for the time being specified in section 227(1) of the Employment Rights Act 1996;
 - (c) may multiply the appropriate amount for each year of employment by a figure of more than one.
- (6) Having made a calculation for the purposes of sub-paragraph (4) (whether or not in reliance on sub-paragraph (5)), a person may multiply the amount calculated by a figure of more than one.

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- (7) In sub-paragraph (5), “the appropriate amount” has the meaning given in section 162 of the Employment Rights Act 1996, and “a week's pay” is to be read with Chapter 2 of Part 14 of that Act.
- (8) For the purposes of sub-paragraphs (4) to (6), the reference to “the relevant date” in subsection (1)(a) of section 162 of that Act is, in the case of a person who is a qualifying employee by virtue of sub-paragraph (3)(b) or (d), to be read as reference to the date of the termination of the employment.

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