

Comparative Review Labour Law

The following document cannot be relied upon for specific legal advice.
Detailed advice should always be sought from the relevant jurisdiction in early course.

Country	Time Limits Unfair Dismissal	Time Limit Discrimination	Time Limit in
Austria	In general, the timescale for bringing an unfair dismissal claim (i.e. challenge of a termination as "socially unjustified") in Austria ranges between 1 and 2 weeks depending on whether a works council is established at the employer and on how the works council responds to the termination of the employee (approval/objection of the termination).	For discrimination claims different limitation periods than those described above apply. The following is a short overview of the time limits that apply according to the Austrian Equal Treatment Law (Gleichbehandlungsgesetz) depending on the nature of the discrimination: 6 months in case the employee was discriminated during the time of hiring or in connection with promotion 1 year in case of sexual or gender-related harassment 14 days in case of discrimination with regard to the termination of employment 3 years in all other cases	The time limit for Personal Injury claims is 3 years
Belgium	The timescale for bringing a claim based on an employment	The same time limit applies in discrimination claims unless if a claim was based on a crime (e.g.	The general time limit for personal injury

	contract (such as an unfair dismissal claim), is generally 5 years but limited to 1 year after the date of termination of the employment contract (in case the contract has ended).	race discrimination) in which case the time limit is 5 years , also when the contract has ended.	claims before civil courts is 10 years or 5 years if they are based on criminal facts, with the exception of cases based on employment contracts
Czech Republic	In Czech Republic within 2 months of the day when the employment relationship in question ought to have come to an end as a result of such termination.	Czech Law does not have any Special Time limit for discrimination Cases, however when you claim Compensation of damage you should do at latest within 3 years.	3 years
Denmark	Under 1 month usually- the timescale depends on whether the claim follows from a collective agreement or a civil law suit. In Denmark the time scale agreed in a collective agreement are strict - usually under a month.	The same as in Unfair Dismissal since a discriminative dismissal will be considered as a unfair dismissal according a collective agreement. In civil cases, it is the same as above.	In civil cases, the normal time limit in Danish law is 5 years from the day of the breach or the knowledge of the breach.
Finland	The claim for an unfair dismissal must be generally	The same 2 year period applies to discrimination claims (in general);	3 years

	brought within 2 years from the expiry of the employment contract	however, if the claims is about discrimination at recruiting, the time limit is 1 year)	
France	The timescale for bringing an unfair dismissal claim in France is now 5 years (<i>previously 30 no specific timescale</i>) except in case of redundancy, i.e. dismissal grounded on economic reasons. In this case, the limit is in principle of 12 months - if and only if the dismissal letter mentions such limit;	French law has just changed regarding discrimination claims : the limit is now 5 years (the same timescale as that regarding claims on salary matters);	30 years (though in RTA a 10 year time limit applies)
Germany	The period for bringing an unfair dismissal claim in Germany to the labour court is 3 weeks . Only in exceptional cases courts may decide that even after the expiration of this period an unfair dismissal claim can be filed.	According to section 15 of the General Equal Treatment Act the employer has to pay compensation for damages in case of a violation of the prohibition of adverse treatment. Where the damage does not involve a financial loss, the employee may demand an appropriate monetary compensation. In both cases a claim must	In Germany the time limits is 3 years.

	<p>Where the 3 weeks period, which is stipulated in section 4 of the Dismissal Protection Act is not observed, the lawsuit can only be admitted, if the employee despite of exercising all reasonable efforts was hindered to file the law suit within the 3 weeks period (Section 5 Dismissal Protection Act)</p>	<p>be asserted against the employer in writing within a period of 2 months unless the parties of the collective bargaining agreements have agreed otherwise. This period starts - in case of a job application or a promotion - upon receipt of the rejection and in the other cases of adverse treatment at the time the employee obtains knowledge of the adverse treatment. If the employer disputes the claim the employee has to file a lawsuit within a period of 3 months after having asserted the claim against the employer, according to section 61b of the Labour Court Act.</p>	
<p>Greece</p>	<p>The employee has a 3 month deadline as of the termination date to contest the validity of the termination before the Court. If the employee does not contest the validity of his/her dismissal, he/she has 6 months to raise said claim.</p>	<p>Subject to few exceptions generally the time limit in order to raise the claim is 5 years. Only if the discrimination claim is connected to the termination of the employment agreement (i.e. abusive/unfair dismissal due to discrimination) the time limit is the same (3 months) in order to contest the validity of the</p>	<p>In Greece (and subject to the requirement that a driver involved in a traffic accident must make a '<i>declaration of accident</i>' to his/her insurer within 3 days, reporting the circumstances of the accident</p>

		dismissal.	and the damages suffered by the driver and any other person involved in that accident), the period of limitation for any personal injury claim is 5 years from the date of the accident (where the insurer has admitted liability the time limit is 2 years)
Ireland	<p>Under the Unfair Dismissals Act, 1977, a claim of unfair dismissal must be brought within 6months of the date of dismissal.</p> <p>As a result of an amendment in the Unfair Dismissals (Amendment) Act, 1993, the time limit to bring a claim may be extended to 12 months where 'exceptional circumstances' prevented the</p>	<p>Under the Employment Equality Acts 1998 – 2004, the same time limit of 6 months from the date of the alleged act/s of discrimination applies. However, with discrimination claims since 2004, the time period may be extended to 12 months 'where reasonable cause is shown' as opposed to in 'exceptional circumstances'. I am not aware of any equality case where this matter has as yet been considered. However, it is clear in theory at least that showing reasonable cause</p>	<p>By virtue of Section 7 (a) of the Civil Liability and Courts Act, 2004 (amending the Statute of Limitations (Amendment) Act, 1991), the time limit for personal injuries claims was reduced from 3 to 2 years. Note that a statutory Personal</p>

	<p>making of the claim within the six month period. As you can imagine, the words 'exceptional circumstances' have been very restrictively interpreted in subsequent cases where the issue has arisen.</p>	<p>is a less onerous test.</p>	<p>Injuries Assessment Board (PIAB) was set up in Ireland in 2003 ostensibly to reduce the cost of insurance resulting from legal costs associated with civil litigation. Under this scheme, claimants must first apply to PIAB to have their claim assessed in the bulk of personal injuries cases. There are exceptions such as medical negligence cases. A respondent may object in writing to an assessment being made. If there is no objection, the Board will assess compensation. Either party may reject the</p>
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			<p>assessment and the Board will then issue an authorisation for court proceedings to go ahead. In terms of the Statute of Limitations, time stops running on the date the claimant's claim form is acknowledged by PIAB as having been received. Time starts to run again six months after PIAB has issued the authorisation referred to above.</p>
Luxembourg	<p>In case of dismissal, the employee may initiate a court claim within 3 months from the date of the notification of the dismissal or of the notification letter to obtain damages for</p>	<p>In case of termination of the employment contract, the worker has 15 days to ask the judge, in summary judgment, to null and void and to ask for her/his reinstatement in the company (Articles L. 245-5 and L. 253-1 of the Labour Code).</p>	

<p>Norway</p>	<p>After receiving the dismissal, the plaintiff</p>	<p>If the claim is in direct relation to a claim arising from an unfair dismissal,</p>	<p>unlawful dismissal (article L. 124-11 of the Labour code). If the employee challenges in writing the reasons of their dismissal to their employer, the period is extended to one year starting from the date of the sending of this letter.</p> <p>In case of dismissal of a pregnant woman, the latter has fifteen days to ask the judge, in summary judgment, to notice that the dismissal is null and void and to ask for her reinstatement in the company. The same rule applies in case of dismissal of an employees' representative as well as in case of dismissal of an employee on parental leave.</p>
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	<p>may demand negotiations with the employer within 2 weeks. If negotiations are held, the plaintiff has 8 weeks to bring the claim to the courts from the conclusion of the negotiations. If negotiations are not held, the plaintiff has 8 weeks for bringing the dismissal claim to court from the date he received the dismissal. If the plaintiff only claims compensation, and thus not to retain his job, the time limit is 6 months from the date he received the dismissal. If the employer's dismissal with notice or summary dismissal does not meet the formal requirements laid down by the Working Environment Act, then there is no time limit for initiating legal</p>	<p>then the rules (left) will apply. If the claim is exclusively a discrimination claim, the date of obsolescence will normally be 3 years from the date on which the injured party became aware of the scope of the damage and the person responsible.</p>	
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	proceedings except for the regular 3 year rule.		
Netherlands	There is no "labour court". Labour case are brought before sub-district courts (Kantonrechter) which deals with all claims of less than €5,000.00 Unfair dismissal claims must be brought within 6 months	The time limit for bringing discrimination claims after dismissal varies discrimination claims relating to dismissal may be brought in relation to illness, pregnancy, civilian service, work council membership, unequal treatment. A claim seeking annulment of the dismissal on such discriminatory grounds must be brought within 2 months while a claim for back pay arising from such discrimination must be brought within 6 months	5 years of the date of knowledge (with an absolute limit of 20 years – except in relation to asbestosis where it's 30 years)
Portugal	According to the Portuguese labour code, an unfair dismissal claim must be filed against the employer within one (1) year from the date of dismissal.	Regarding the time limit to file a discrimination claim against the employer, the Portuguese labour code provides that the employee may be entitled to compensation. In such cases, the court claim must be filed against the employer within three (3) years from the date on which the employee becomes aware of his right to compensation.	3 years
Spain	20 days (includes	In discrimination claims	The time limit

	<p>claim against termination of temporary contracts)</p>	<p>(where these have no connection with a dismissal) is the general term of 1 year (according to article 59 of the Statute of Workers); otherwise, the dismissal 20-day term applies.</p>	<p>for accident compensation claims is one year, starting on the day on which the damage or consequences of the accident can be determined. In this case, we would advise the worker to claim within 1 year of publication of the Social Security's decision, in which the kind of temporary disability or, as the case may be, invalidity corresponding to the worker, is declared.</p>
<p>Sweden</p>	<p>Annulment of Unfair Dismissal. The employee must inform the employer within 2 weeks of the initial annulment. Where the employer has failed to give advice on how to bring acclaim the</p>	<p>The same time scale applies</p>	

<p>UK</p>	<p>notification period is 4 week The claim must be filed in court within 2 weeks of the expiry of the notification deadline. If a collective agreement applies the Unions may call for negotiations which case the claim must be lodged within 2 weeks of the conclusion of negotiations.</p>	<p>Generally 3 months less one day of the last complained of event. In many cases the employee must issue a detailed written grievance to the employer in order to avoid a reduction of upto 50% of any award. In equal pay (discrimination claim) the time limit is 6 months.</p>	<p>Within 3 years in the case of accident (within 5 years in the case of a breach of contract) (In England & Wales although the time limit for accident is also 3 years – the time limit for breach of contract is 6 years). As with Ireland if the victim is a minor the period of limitation begins to run</p>
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