



Rights at work in the UK

No matter if you're working temporarily or permanently, with an agency, full or part-time, you have certain basic rights.

Kinds of work

There are four main kinds of employment and each has different or extra rights:

Employment status	Definition	Rights you get	Rights you don't normally get
A worker	Usually, casual or freelance work without a contract	<ul style="list-style-type: none"> Getting the National Living/Minimum Wage Protection against unlawful deductions from wages Protection against unlawful discrimination The right to not work more than 48 hours on average per week or to opt out of this right The statutory minimum length of rest breaks The statutory minimum level of paid holiday Protection for 'whistleblowing' - reporting wrongdoing in the workplace The right to not be treated less favourably if you work part-time. 	<ul style="list-style-type: none"> Protection against unfair dismissal Minimum notice periods if your employment will be ending, e.g. if an employer is dismissing you Statutory maternity, paternity, adoption and shared parental leave and pay. Statutory Sick Pay The right to request flexible working Time off for emergencies Statutory Redundancy Pay
An employee	Someone who has a contract with their employer	<p>All the rights a worker has plus:</p> <ul style="list-style-type: none"> Protection against unfair dismissal Minimum notice periods if your employment will be ending, e.g. if an employer is dismissing you Statutory maternity, paternity, adoption and shared parental leave and pay. Statutory Sick Pay The right to request flexible working Time off for emergencies Statutory Redundancy Pay 	<p><i>Some of these rights require a minimum length of continuous employment and minimum earnings before an employee qualifies for them</i></p>



Employment status	Definition	Rights you get	Rights you don't normally get
An agency worker	Someone who works for an employment agency and is paid to work in different work-places	<ul style="list-style-type: none"> Recruitment agencies can't charge you a fee for finding or trying to find you work. Your agency must give you written terms of employment before looking for work for you. It should include your pay, notice period and holiday entitlement. 	
Self-employed or a contractor	Someone who runs their own business	<p>Self-employed workers don't have the employment rights and responsibilities of employees. But they do have:</p> <ul style="list-style-type: none"> Protection for their health and safety and, in some cases, protection against discrimination Their rights and responsibilities set out by the terms of the contract they have with their client. 	

Pay and taxes

All employees are entitled to be paid for the work they have done.

National Living/Minimum Wage (in 2016)

You cannot be paid under the National Living/Minimum Wage¹.

Age	21 and over	18 to 20	Under 18	25 and over
National Living/Minimum Wage	£6.70/hour	£5.30/hour	£3.87/hour	£7.20/per hour

Full time work (40 hours a week) on hourly wage of £6.70 amounts to roughly £13,936 a year.

Pay slips

All employees are entitled to an individual written pay slip. It must show your pay and any deductions (such as tax, union fees etc.). Keep them as a useful record and to prove your earnings for things like getting a mortgage or renting a flat.

You are also entitled to a P60 form at the end of the tax year (6th April) showing how much you have earned over the year and a P45 when you finish a job. You will need to give your P45 to your next employer.

¹ "Living Wage" is different to the National Living Wage. This is a voluntary minimum wage which some employers choose to pay. It's £8.25/hour and £9.40/hour in London.



What to do if the employer did not pay you

If you think that your employer has withheld pay that you are entitled to, you should follow these steps:

- firstly, talk to your employer
- if that doesn't work, write a grievance letter setting out your complaint and keep a copy
- if you need to take matters further you can make a claim to an **Employment Tribunal**.

A tribunal can order your employer to pay back any amount wrongly deducted from your wages.

If your employer dismisses you because you have tried to claim back pay you can make a claim to an Employment Tribunal for unfair dismissal.

Sick pay

If you are an employee on sick pay, your contract may give you less pay than your normal pay. By law, most employees are entitled to the **legal minimum statutory sick pay**. Your contract may give you more pay than this.

You may be entitled to unpaid time off work in other circumstances, for example, in a family emergency or on jury service.

Taxes

In the UK, the tax year starts on 6th April.

If you're an employee, you shouldn't need to do any tax-related paperwork at the end of the tax year.

If you're self-employed you need to do a **self-assessment** (a form, online or on paper) before the end of October.

HMRC (Her Majesty's Revenue and Customs), who collect all taxes, will often help if you have problems.

National Insurance

National Insurance is a tax deducted from your salary towards unemployment, sickness and retirement benefits. You need to get a **National Insurance (NI) number** to work in the UK.

If you start working without one you will be paying additional emergency tax which you can claim back as soon as you get your NI number. Don't panic if you overpay tax. You can always get it back by doing a tax self-assessment at the end of the tax year.

You need to contact **Jobcentre Plus** to get an NI number. Take proof of identity (for example, a passport or driving licence).

Call Jobcentre Plus to book an interview: ☐ 0345 600 0643

Equal treatment

You have the right not to be discriminated against at work because of your **age, disability, gender reassignment, marriage or civil partnership status, pregnancy or maternity, race, religion or belief, sex and sexual orientation**.



Bullying, harassment and discrimination

Your employer has to ensure the workplace is free of bullying and harassment. Bullying is repeated behaviour that undermines your personal dignity. Harassment is a single incident or a series of incidents related to protected characteristics mentioned above (age, disability, gender, etc.).

Serious incidents of sexual harassment, such as those involving touching and other physical threats, are criminal offences and should be reported to the police.

Dealing with bullying takes courage, especially because the bully is often someone in a position of authority. But remember that you have the right not to be bullied at work.

Unfair dismissal

It is only legal for your employer to dismiss you if it's done fairly. Otherwise it is against the law and if you have 2 years continuous service it is called 'unfair dismissal'. If you have less than 2 years' service you may still have a wrongful dismissal claim.

The employer has to:

- genuinely believe that you were guilty of the conduct alleged, and the reason was fair
- have carried out a proper investigation and followed proper procedures
- have told you why you were being considered for dismissal, and given you a chance to respond
- be sure that the offence is serious and dismissing you is reasonable
- give you opportunity to appeal against dismissal.

It isn't fair to dismiss you if:

- the reason is you are pregnant
- the employer has just picked on something as an excuse to sack you
- they have been unreasonable in the way they have gone about it (like not giving you warnings, or a chance to improve).

Your employer should follow these procedures when dismissing you:

- send you a letter
- arrange a meeting to discuss the problem
- tell you their decision
- give you an opportunity to appeal.

In most cases your employer must give you a period of notice (unless you are being sacked immediately for 'gross misconduct').

Employment tribunals

If you're still not happy with your employer's decision, you may want to make a claim to an **Employment Tribunal**:

- If you have been working for your employer for at least 2 year you can complain about unfair dismissal to an Employment Tribunal.
- But if you believe you have been discriminated against (because of age, disability, gender, etc.) you have a right to complain no matter how long you have been in the job. This includes discrimination at an interview.



- When your employer makes it impossible for you to carry on working so you resign, it is called **constructive dismissal**.

The right to defend yourself

You have the right to protection from being sacked (fired, “let go”) for using your legal employment rights. You could claim unfair dismissal if you were sacked because you complained about an underpayment of your wages. This is one of the exceptions to needing two years continuous service to claim unfair dismissal.

You have the right to organise collectively with other workers, and to join a trade union.

Hours and contracts

You can't work more than 48 hours a week on average, unless you sign an opt-out agreement.

The youngest age a child can work part-time is 13. Children can only start full-time work once they've reached 16. Once someone reaches 18, adult employment rights and rules then apply.

Working time

When it comes to working time your basic rights are:

- one day off in any given week
- breaks of at least 20 minutes after each 6 hours of work. You can refuse to work more than 48 hours a week. You can agree in writing to give up this right (opt out). You can cancel your opt-out agreement whenever you want
- at night, work can't take up more than an average of 8 hours per day.

Self-employed people don't usually have these rights. It is illegal for an employer to force workers to become self-employed and take their rights away.

Employment contracts

Always ask for a written contract. If you don't get it, it may be a warning sign that you will have trouble in the future. You should get a written statement of your terms and conditions of employment within two months of starting work.

By law, your main terms and conditions of employment should specify your name and employer's name; place of work; start date; job title, pay details, entitlement to holiday and sick pay, pension scheme and notice you have to give and are entitled to receive.

Zero hours contracts

A zero hours contract is one which doesn't give you guaranteed working hours. It may not say zero hours, but will say the employer has no obligation to provide work (which is legal).

On a zero hours contract you have the same rights to the minimum wage, holiday, sick pay and maternity leave as other workers. It is illegal for an employer to refuse these rights.

Zero hours contract put you in a very weak position at work. If the boss is trying to change your existing contracts to zero hours or force you to become self-employed, organising your workmates to collectively refuse signing the new contracts is difficult but is the only option available.



Leave and holidays

Right to paid holiday

Unless you are self-employed, you are entitled to at least 5.6 weeks' of paid holiday (leave or time off) per year. This amounts to 28 days for a normal working week if you work full time. That includes public holidays (such as Christmas, New Year, etc.). Your contract can give you more but not less. For part-timers, multiply the number of days you work in a week on average by 5.6.

Maternity and Paternity

The right to maternity/paternity leave when you have children

You are entitled to up to a year off work after giving birth, this is called maternity leave. It doesn't matter how long you have worked for your employer or how many hours you work. You don't have to take your full maternity leave if you don't want to, but you have to take at least 2 weeks' leave immediately after giving birth or 4 weeks if you work in a factory. Fathers/male partners get 2 weeks' paid paternity leave.

Pregnant employees

Pregnant employees have four main legal rights:

- paid time off for antenatal care
- maternity leave
- maternity pay or maternity allowance
- protection against unfair treatment, discrimination or dismissal.

Employers can't change a pregnant employee's contract terms and conditions without agreement - if they do they are in breach of contract.

How do I take maternity leave?

You can decide to start maternity leave any time from the 11th week before your baby is due. It's essential to give proper notice to your employer. **If you don't give proper notice of your pregnancy you may miss out on certain benefits.**

Pregnancy rights at work

You should be given time off on full pay for medical appointments relating to ante-natal care.

Your employer should make sure that you are working in conditions which are safe and healthy for pregnant women or recent mothers. This includes things like not having to stand for long periods and not having to lift heavy objects.

If your employer announces redundancies while you are on maternity leave then you must be put at the head of the queue for any suitable alternative work which is available with your employer.

You usually have an automatic right to return to work after your maternity leave.



Parental leave

This is a right for parents to take time off to spend time with their children. You are entitled to parental leave if you are a parent and you have been working for the same employer for a year or more.

You are entitled to 18 weeks parental leave for each child and adopted child, up to their 18th birthday but you can only take up to 4 weeks in a year for each child (unless your employer agrees differently).

Your employer doesn't have to pay you while you take parental leave, unless it says they will in your contract.

Safety

You have the right to refuse to work if the working conditions are unsafe or put you in danger.

The employer has to give you proper training, and is not allowed to ask you to do jobs for which you are not qualified.

The employer has to provide decent working conditions including enough toilets, washing facilities and drinking water.

There must be procedures (instructions what to do) for dealing with risks at work and these should be explained before you start work.

Remember, you can legally walk out if you feel in instant danger.

If you are injured at work

Report it to your manager or safety representative. Make sure they record it in the accident book (all work places should have one). You should take photos of the hazard if possible, and details of witnesses.

If you feel it is serious enough, go and see your GP and explain how your work caused your injury. Your GP might say that you need treatment and maybe time off work to recover.

If you are losing out on pay or are unable to work for more than a few weeks you might be able to claim **Employment and Support Allowance (ESA)**. You may also be able to claim compensation from your employer. You may be entitled to **Industrial Injury Benefit** in the case of serious injury.

What can I do if my working conditions are affecting my health?

If you feel that your health is suffering at work, try speaking to your manager about it; you might be able to solve the problem easily. If you have a safety representative at work you could speak to them too.

If your employer is failing to sort out the problem, you should seek advice from someone with experience in this area about taking the matter further. This could be the Health and Safety Executive or an adviser at your local advice centre. You may be able to get compensation from your employer if your work has made you ill, or if you lost your job because of work-related health problems.

If you are getting stress-related illness because of bullying at work, your employer could be held responsible and you might be entitled to compensation.



Sickness

The right to sick pay

If you are off sick for more than four days you may be able to claim **Statutory Sick Pay (SSP)**. This is set out by law and is paid to you by your employer. You have to be earning more than £112 a week before tax.

In addition, some employees may receive **occupational sick pay** from their employer but this will depend on their contract of employment.

If your sickness absences are because of a disability then you should ask your employer not to count these absences towards your sickness absence record.

If you are sacked for taking sick leave, this may be unfair dismissal if your employer has not treated you reasonably.

Grievance and disciplinary procedures

Disciplinary procedures

A disciplinary is a procedure for the boss when you've done something wrong at work.

Guidance employers should follow:

- Your employer should give you time to prepare a defence.
- You should be able to give evidence and to call witnesses.
- You have the right to be accompanied (by, for example, a union representative) at disciplinary hearing.
- Hearings must be heard within a reasonable time period.

If you cannot resolve the case within the workplace or you have been dismissed, you can take it to a specialist employment court, an **Employment Tribunal**.

Keep notes on any incidents, arguments etc., that occur at work, along with names of who witnessed them. Notes from the time of the incident will help you if a manager tries to bully, fine or sack you later.

Grievances

A grievance is when you have a complaint.

If your employer is treating you in a way you are unhappy with, or not giving you what you are entitled to, don't suffer in silence. You can take action to deal with the problem.

Here is an outline of the steps you could take:

- You could start by talking to your employer about the problem.
- If that doesn't work you should get in touch with your trade union representative, if you have one, or a personnel/Human Resources officer at your work and they will be able to advise you what to do next.



- Every employer must have a procedure to deal with employees' problems and complaints. You might have to put your complaint in writing. It is a good idea to get in touch with an experienced adviser at your local **Law Centre, Citizens Advice Bureau (CAB)**, or advice agency.
- As a last resort you might decide to make a complaint to an **Employment Tribunal**.

Going to an Employment Tribunal

Employment Tribunals are courts that deal with disputes such as unpaid wages, unfair dismissal, discrimination, disciplinary procedures and grievances.

Before you can go to an Employment Tribunal, you must contact **Acas (Advisory, Conciliation and Arbitration Service** - an organisation that helps with work problems) to inform them of your claim. You'll be offered the chance to try and settle the dispute without going to tribunal. If you can't reach an agreement through Acas, you can then take your claim to an Employment Tribunal.

It is important to think very carefully about what your chances of success will be before you decide to go ahead:

- Claims which look unlikely to have a chance of winning will be thrown out at an early stage.
- You also have to pay a set of fees to make your claim, unless you're getting certain benefits or are on a low income.
- If you need a legal professional to represent you, you will have to pay their fees.
- You are likely to get the fees back if your claim is successful, but this is not guaranteed.

There is a time limit of 3 months minus 1 day from the date of the event you are complaining about and when you need to file your claim at the Tribunal.

Leaving your job

Notice periods

If you are giving notice to your employer:

If you want to leave your job, you have to give at least 1 week's notice if you have been working in the job for a month or more. You might have to give a longer notice period if it says so in your contract.

If your employer is giving you notice:

You should be given at least 1 week's notice if you have been working in your job for more than a month but less than 2 years.

If you have been in the job for 2 years or more, you should get a week's notice for every full year you have worked, up to a maximum of 12 weeks. This is the minimum notice you should get - your contract might say you are entitled to more. Where your contract and the law say different things about what notice period you are entitled to, the longer period applies.

Getting help

There are many organisations in the UK that can help with problems at work. *Google* their names to find help online.



Help with...	Organisation	Phone
Taxes	www.gov.uk – the website for government services and information	
	HMRC (Her Majesty's Revenue and Customs)	0300 200 3300
	Tax Aid is a charity that helps people on low income with tax problems	0345 120 377
National Insurance	Jobcentre Plus	0345 600 0643
Pay National Minimum Wage Unpaid wages Unfair dismissal Discrimination Disciplinary procedures Grievances	Acas (Advisory Conciliation and Arbitration Service)	0300 123 1100
Discrimination	Bullying UK	0808 800 2222
Legal help	Check if you can get legal aid	0345 345 4345
Discrimination Human rights issues	EASS (Equality Advisory and Support Services)	0808 800 0082
Many work-related issues	Law Centres Citizens Advice Bureaux	http://www.lawcentres.org.uk/i-am-looking-for-advice 03444 111 444
Rights at work	TUC (The Trade Union Congress) TUC workSMART website	020 7636 4030 www.worksmart.org.uk

This material has been produced with the financial support of the Rights, Equality and Citizenship (REC) Programme of the European Union. The contents of this publication are the sole responsibility of Law Centres Network and can in no way be taken to reflect the views of the European Commission.

