

Respect at work?

Know your employment rights. For our advice leaflets call:

0870 6000 4882



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your rights at work: a guide for students



This leaflet is about your rights at work, and sets out the basic legal minimum standards that go with every job, whether it's during the term or in the holidays, part-time or full-time.

This leaflet has been brought to you by the TUC, working with the NUS and the National Association of Student Employment Staff (NASES).

You should not rely on this as a detailed guide to the law, and should always seek detailed advice before taking any action.

We have concentrated in this leaflet on the most common problems for students doing part-time work or holiday jobs. Other issues more likely to concern those with permanent jobs, such as redundancy, maternity rights and parental leave, are dealt with in a series of TUC *know your rights* leaflets.

You can order these free from the TUC *know your rights* line 0870 600 4 882. Lines are open every day from 8am-10pm. Calls are charged at the national rate.

different kinds of employment right

There are many kinds of employment right, and they will vary from job to job.

Some are rights given to *everyone* at work by law. The best known is probably the minimum wage.

Some are rights given to only *some people* at work by law. For example, you may lose out because you have not worked long enough in the same job. There is also a legal difference between employees (who get better rights) and workers. You may only be a worker if you are taken on to do a particular piece of work.

Some are rights that *flow from your contract of employment*, which may be written, or may be a verbal agreement between you and your employer.

There is more about these distinctions in the TUC leaflet *Your job and the law*, which you can get from the TUC's *know your rights* line.

The rest of the information on this sheet assumes that you are an employee.

your rights timetable

Not all employment rights start from your first day at work. Some only apply after you have been working for the same employer for a while.

But how long you have to wait does not depend on how many hours you work – for example, even if you only work six hours a week you have a right to claim unfair dismissal as long as you have been working for your employer for over a year.

All the rights below apply if you are working permanently or on a short- or fixed-term contract.

When you apply for a job

You should not be discriminated against in a job selection process because of your sex, race, disability or because you are a trade union member. This applies whether or not you have a contract of employment.

From your first day at work you are entitled:

- ☑ to a statement (ie, a payslip) showing how much you earn and any deductions made from your pay, when you will be paid and the method of payment (eg, into your bank account)
- ☑ not to have deductions made from your pay unless you have agreed to them
- ☑ to a minimum wage of £3.50 an hour if you are aged 18 to 21. If you are 22 or over, you are entitled to a minimum wage of £4.10
- ☑ to working time rights (including paid holiday)
- ☑ to equal pay with members of the opposite sex doing the same or a comparable job to you
- ☑ not to be discriminated against for reasons of your sex, race or any disability, or for being a member of a trade union
- ☑ to work in a place which is safe.

When you start work

You should provide your employer with your P45 from your most recent job. If you haven't got one your employer must get you to complete a P46 form. Some employers may attempt to persuade you that you can work without providing or completing these forms. This is a way for them to avoid their responsibilities and it could result in you being liable for greater contributions at a later date.

From your first pay packet

Even if there is no written document, the law will consider some kind of contract exists between you and your employer, though not necessarily a contract of employment. This can be important in any case that goes to an Employment Tribunal or court.

After a month

If an employer wants to dismiss you they have to give you at least one week's notice of dismissal, (though you must also give the employer a week's notice when you want to leave)

After two months

You are entitled to a written statement of your terms of employment. This must include your pay, hours, where you are expected to work, holidays and other benefits such as pension entitlement. It should also include details of any grievance or disciplinary procedures, if the company employs more than 20 people.

After one year

- ☑ you are entitled to claim unfair dismissal
- ☑ you can return to work after 40 weeks' maternity leave.

For a more comprehensive guide to when your rights apply see *Your job and the law*. You can also ask the TUC's *know your rights* line 0870 600 4 882 for other useful leaflets including *Agency workers have rights too!* and *Working part-time? A guide to your rights at work*.

You should also be able to get further information from your Student Employment Service or Jobshop.

take a break

While you may find yourself working unsocial hours and covering difficult shifts, you are still entitled to working time rights. These apply whether or not you have a contract of employment and include:

- ☛ a 20 minute break when the working day is more than six hours
- ☛ a rest period of 11 hours every working day
- ☛ a rest period of 24 hours once every seven days
- ☛ a maximum working week of 48 hours (averaged over 17 weeks for most jobs)
- ☛ four weeks' paid holiday a year
- ☛ a ceiling of an average of eight hours night work in every 24
- ☛ free health assessment for night workers.

If you are 16 to 18 you should get a continuous break of 12 hours everyday. You should also get a 48 hour continuous break every week. Your employer may ask you to split these times. In some cases this is legal, so always seek advice.

But working time rights are complicated. Some workers are excluded, and the rules are applied differently in some sectors such as tourism where students may take seasonal work.

You can get two helpful free pamphlets from the TUC's *know your rights* line 0870 600 4 882. *Take a Break* deals with rest breaks and holidays. *Get a Life!* looks at the 48 hour week and night work.

the national minimum wage

If you are aged 18 to 21, you are entitled to a minimum wage of £3.50 an hour. If you are 22 or over, then the minimum wage rises to £4.10 an hour.

It is important to remember that only students in higher education on compulsory work placement schemes that are part of their course are not entitled to the minimum wage, as this is an employment right with near universal coverage.

To calculate your minimum wage entitlement you need to use your gross pay. This is the pay you receive before deducting tax and National Insurance contributions. This should also include any:

- ! payments you receive as part of an incentive scheme
- ! payments related to output, such as sales commission

! bonus payments you get during that reference period

! tips, gratuities and service charges paid through the payroll. Tips paid any other way do not count.

More information on the minimum wage can be obtained from the government's minimum wage helpline 0845 845 0360, which can also be used to make an official complaint or provide a tip-off that an employer is breaking the law.

you do not have to accept unfair treatment

The law protects everyone at work from being discriminated against because of their race, their sex, trade union membership or a disability. This protection covers pay and conditions, promotion and all treatment at work, including the job interview.

There is no legal protection against discrimination on other grounds such as age or because you are lesbian, gay, or bisexual. But if you are sacked on these grounds, and you have worked for the same employer for more than a year, you might be able to claim unfair dismissal.

This is an area where you will need further advice. If you are a union member your union will be able to advise you. The TUC's *know your rights* line 0870 600 4 882 also has a number of useful leaflets including:

Lesbian or Gay? Your Rights at Work

Bullied at work? Don't suffer in silence

Racism at work – a crime in anyone's language

You could also try the following organisations:

the **Equal Opportunities Commission** on 0161 833 9244 for sex discrimination. www.eoc.org.uk

the **Commission for Racial Equality** 020 7828 7022. www.cre.org.uk

the **Disability Rights Commission** on 08457 622 633 or textphone 08457 622 644. www.disability.gov.uk

LAGER (Lesbian and Gay Employment Rights) on 020 7704 8066 for women 0207 7704 6066 for men. www.lager.dircon.co.uk

0870 600 4 882

www.tuc.org.uk/rights

health and safety

Health and safety at work is very important. Many students do not understand their rights and this has led to them working in some very dangerous conditions. Under health and safety law you have both rights and responsibilities.

Your employer must:

- ☛ provide you with adequate employers' and public liability insurance cover
- ☛ make sure you are not injured or made ill at work
- ☛ train you to deal with health and safety issues
- ☛ provide an accident book to record work-related injuries
- ☛ inform and consult you or your union representative on all health and safety issues.

You have:

- ☛ a duty to work safely by co-operating with your employer, and following safety guidelines
- ☛ a right to refuse to do something dangerous if you feel you are in 'imminent and serious danger'.

The TUC's *know your rights* line 0870 600 4 882 has a helpful leaflet called *Play Safe at Work* that will give you the confidence to challenge anything you think too risky.

You can also call the Health and Safety Executive, who enforce and advise on the law (0541 545500 or look in your local phone book).

if you get the sack

While you do not get general protection against unfair dismissal until you have held the same job for a year, if you lose your job for any of the following reasons you may have a case for unfair dismissal from day one:

- ☛ you are pregnant
- ☛ because of your sex, race or disability
- ☛ you refused to undertake dangerous or unsafe activities which posed a threat of physical injury
- ☛ you tried to join a union
- ☛ you 'blew the whistle' on wrongdoing at work
- ☛ you asserted your right to be paid the minimum wage or took action against your employer for a breach of employment law.

You should take further advice from your union or advice agency if you think you may have a case. For more information call the TUC's *know your rights* line on 0870 600 4 882 and ask for a copy of *Your job and the law*.

working for an employment agency

Your agency must:

- ☛ pay your wages on the agreed day even if the hiring company has not paid the agency

Your agency must not:

- ☛ charge you for finding you a job (unless it is as a performer in the entertainment industry)
- ☛ change your contract without consulting you
- ☛ send you for jobs for which you are not qualified.

For more information call the TUC's *know your rights* line on 0870 600 4 882 and ask for a copy of *Agency workers have rights too!*

how to exercise your rights

There is a legal remedy for all the rights described in this booklet. Take advice. Trade union members will look to their union, job shop or local advice agency such as the Citizens Advice Bureau may also be able to help. If a rogue employer makes a habit of taking on students, you should go to your students' union to warn other potential victims.

Remember, where if you are involved in a grievance or disciplinary hearing you have the right to be accompanied either by a work colleague or a union official, even where no union is recognised.

For more information on this call the TUC's *know your rights* line 0870 600 4 882 for a copy of *You're not alone: your right to be accompanied*.

You can also approach your campus-based Student Employment Service for advice or guidance on any issues in relation to your employment.

Unions today – your friend at work

Many of the new rights described in this leaflet have been won by union campaigning.

Some unions provide special student membership schemes. These tend to relate to your future career but they may help you with problems with jobs you are taking now.

Last year unions won a record £320 million compensation for their members through legal action. And of course unions help negotiate better pay and conditions.

Union workplaces are safer, and more likely to help employees get on with better training and development programmes. Unions themselves provide training and services like legal advice.

To find out more about joining a union call the TUC *know your rights* line 0870 600 4 882 or visit www.tuc.org.uk