

# UNIONS TODAY YOUR FRIEND AT WORK

**At times we all need advice or support at work.**

Everyone has the right to join a union – it costs less than you think and your employer doesn't need to know you are thinking of joining up. The cost of joining a union is based on how much you earn and many unions have special student rates such as £10 per year.

To find out more about how to join a union and which union is the right one for you, phone the TUC's Know Your Rights helpline on **0870 600 4 882**, or visit [www.worksmart.org.uk/unionfinder](http://www.worksmart.org.uk/unionfinder)

[www.worksmart.org.uk](http://www.worksmart.org.uk)

– the one-stop site for everyone at work. This website provides a range of information about working life and your rights at work – whether you are a union member or not. The full text of this leaflet, plus the whole range of rights materials, is on the site – just a click away!



– the website for all working students. Identify your skills, build a successful CV, understand your employment rights, find contact details for your local Job Shop and much more.

workSMART

Know  
Your  
Rights

[www.worksmart.org.uk](http://www.worksmart.org.uk)

# STUDENTS AT WORK

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



Trades Union Congress

Congress House, Great Russell Street, London WC1B 3LS  
Tel: 020 7636 4030 [www.tuc.org.uk](http://www.tuc.org.uk)



unionlearn  
with the North West TUC

# WELCOME TO THE WORLD OF WORK!

Most students find they can't get through college without earning some money on the side. So as well as getting to grips with studying, students these days need to know about their rights at work. Everyone who works has some basic rights, and this leaflet explains them.

## STARTING WORK

When you start work you should give your new employer your P45 form from your last job. If you haven't got a P45 your employer must get you to fill out a P46 form. Some employers may say that you can work without providing or completing these forms. This is a way for them to avoid their responsibilities and it could make you liable for higher tax and National Insurance contributions later on.



# YOUR RIGHTS

## THE NATIONAL MINIMUM WAGE

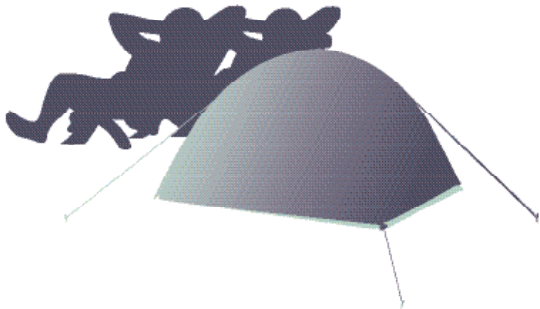
- \* **£5.52 per hour for workers aged 22+**
- \* **£4.60 per hour for workers aged 18-21**
- \* **£3.40 per hour for workers aged 16-18**
- \* **from October 2008 –  
£5.75 per hour for workers aged 22+**

## HOLIDAY PAY

All workers, including freelancers, are entitled to a minimum of 4.8 weeks' paid holiday per year (5.6 from 1st April 2009). There is no qualifying period for this right, but holiday pay is accrued as you work and you may not be allowed to take paid leave in advance. The pay you receive should be the same as you are contracted to get for a normal week's work.

Part-time workers' entitlement to holiday is pro rata. In other words, if you usually work three days a week you will be entitled to 13.2 days' paid holiday a year.

For workers with no regular working hours, such as casual workers, one week's pay is equivalent to the average weekly pay over a twelve-week period, including overtime at overtime rates.



## REST BREAKS

Whether or not you have a contract of employment, you are entitled to certain working time rights:

- > a 20-minute break when the working day is longer than six hours
- > a rest period of 11 hours between each working day
- > a rest period of 24 hours once every seven days
- > a maximum average working week of 48 hours
- > 4.8 weeks paid holiday a year.
- > a maximum eight hours' night work (on average) in every 24 hours
- > free health assessments for night workers

If you are aged between 16 and 18 you should get a continuous break of 12 hours every day; a 30-minute break when you work for four and a half hours or more; and a maximum working week of 40 hours. 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.

## IF YOU ARE SACKED

There is no general protection against unfair dismissal until you have held the same job for a year, but you may have a case for unfair dismissal from day one if you lose your job because:

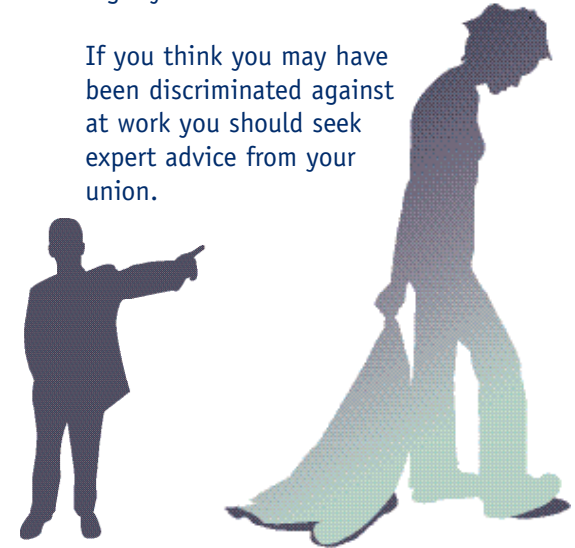
- > you are pregnant
- > because of your gender, sexual orientation, race, disability, age, religion or belief
- > you refused to undertake dangerous or unsafe activities which posed a threat of physical injury
- > you tried to join a union
- > you 'blew the whistle' on wrongdoing at work
- > you asserted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

Always take expert advice on your situation before pursuing any case though. Talk to your trade union if you have one, visit your university job shop, or go to [www.morethanwork.net](http://www.morethanwork.net)

## PROTECTION FROM DISCRIMINATION

All workers have the right not to be treated less favourably than other workers by your employer or an agency on the grounds of sex, race, disability, pregnancy, sexual orientation, age and religion or belief. It is unlawful for an employer to decide not to employ someone, to dismiss them, to refuse to provide them with training, to deny them promotion or to give them worse terms and conditions or to harass them on any of these grounds. Good employers should also adopt equal opportunities policies to check that their staff are treated fairly and with dignity at work.

If you think you may have been discriminated against at work you should seek expert advice from your union.



# INTERNATIONAL STUDENTS



If you are from a EU member state pre-2004 you can work in the UK without any restrictions on the type or amount of work you undertake. If you from an EU member State Post-2004 (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia or Slovenia) you can undertake work as long as you register on the register on the Worker Registration Scheme. If you are from a EU member state post-2007 (Bulgaria and Romania) you will need to register and get a work permit.

If you're from another country, you can check whether you can work or not by looking at the visa stamp in your passport.

If you have a 'prohibited' stamp, you cannot work in the UK.

If you have a 'restricted' stamp, you can work subject to certain restrictions;

- > you need to be on a course of more than 6 months' duration
- > you can only work a maximum of 20 hours work per week in term time (though you can work full time during vacations)



- > work during a placement year of a sandwich course is allowed if you don't: set up your own business, or work as work as a professional sports person or entertainer; or pursue a career by filling a permanent full-time vacancy

International students need to pay tax and at the same rate as a UK citizen. This means that in order to be employed in the UK you will need to register for National Insurance. Visit your local Benefits Agency to apply.

# WORKER OR EMPLOYEE?

Everyone at work has some basic rights in law, but there is an important legal distinction between workers and employees. Employees can qualify for extra employment rights such as maternity, paternity and parental leave, request to work flexibility, the right to redundancy pay and unfair dismissal protection. A new Know Your Rights booklet, *Your Job and the Law*, explaining the difference between workers and employees and their working rights is available.

Employment law is complex, and you should get expert advice if you are unsure about whether you are a worker or an employee, or if you think your employment rights are being compromised.

If you are a casual worker or work through an employment agency the chances are that you are classed as a worker who is either self-employed or 'contracted for services'. In 2004 the law was changed, giving some special rights to agency workers:

- > Agencies cannot charge you a fee for having you on their books or finding you work.
- > Agencies must give you a written statement of terms and conditions before you start work.
- > Agencies cannot withhold your pay just because they have not received payment from the company where you worked.
- > Agencies have a duty to find out about known health and safety risks, check that a risk assessment has been carried out, and make you aware of any potential risks to your health and safety.
- > You do not have to buy services or products such as training or personal protective equipment from your employment agency.

- > From April 2008 Agency Workers will also have to not be victimised for withdrawing from or refusing a service from an agency.

These rights are explained in more detail in the TUC Know Your Rights guide, *Agency Workers Have Rights Too*.

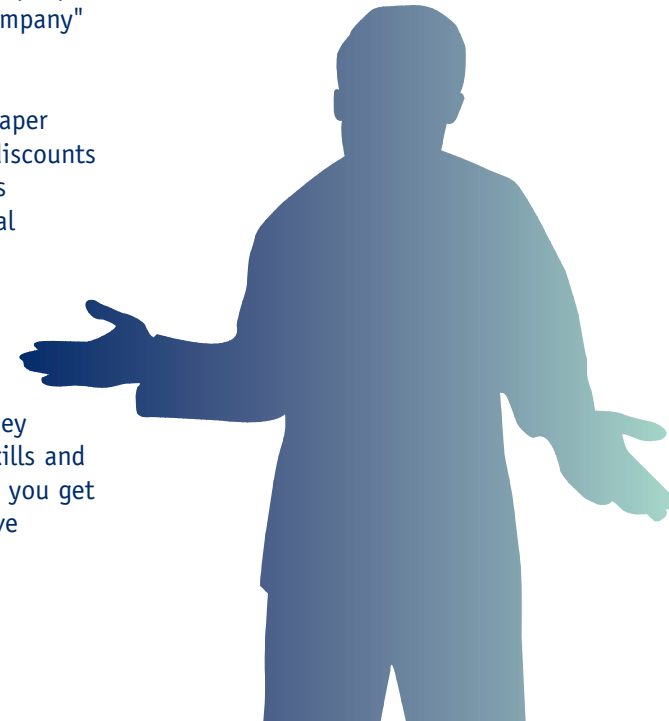
## Agency

Trade Unions are currently working to bring about changes in the law, to make sure that Temporary and Agency workers get the same pay, holidays, and other rights as people employed directly by the company"

## Union Rates/and Future

Some Unions have even cheaper student rates, and provide discounts on a whole range of services including insurance and legal support.

Many Unions you join as a student will continue to represent you throughout your chosen career – and they can help you develop the skills and contacts now, that can help you get the job you want after you've finished studying."?



# CONTACTS



## **National Union of Students**

T: 0871 22 18221  
(Caller pays 10p/min from any location within the UK);  
Textphone: 020 7561 6577;  
[nusonline.co.uk](http://nusonline.co.uk)

## **NASES**

(National Association of Student Employment Services)  
[www.nases.org.uk](http://www.nases.org.uk)

## **Department for Business Enterprises & Regularity Reform**

Further Information on Working Time Directive  
T: 020 7215 5000  
[www.berr.gov.uk](http://www.berr.gov.uk)

## **Health and Safety Executive**

The HSE Infoline or the environmental health department of your local council can help with queries on the working week and night work.  
T: 08701 545 500 (8am- 6pm)

## **ACAS**

ACAS is a public body that promotes good workplace relations. Their national helpline can provide general advice on rights at work for employees and employers.  
T: 08457 47 47 47 (9am- 4.30pm)  
[www.acas.co.uk](http://www.acas.co.uk)

## **National Minimum Wage Helpline**

T: 0845 6000 678

## **Citizens Advice Bureau**

Your local CAB office will be listed in your telephone directory. You can also visit [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) to find advice and information online.

**If you think your problem may have a discrimination aspect then you might find the following helpful:**

## **Equality and Human Rights Commission**

T: 0845 604 6610  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

## **Disability Rights Commission**

T: 08457 622633  
Lesbian and Gay Employment Rights Helpline between 12 noon and 4pm  
T: 020 7704 8066 (women);  
020 7704 6066 (men)  
[www.lager.dircon.co.uk](http://www.lager.dircon.co.uk)

## **UK Council for international student affairs**

<http://www.ukcisa.org.uk>